the full amount of one-third part of all the property of the said Insolvent which shall have been got in, and shall make a dividend amongst the creditors of the said Insolvent to the amount of the remaining two-third parts only, which third part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such way as such Court shall order, and shall not remain in the hands of such Assignee or Assignees; and at the expiration of the said term of twelve months, it shall be lawful for the Assignee or Assignees of such Insolvent to apply to the Court for a return of the said third part so reserved as aforesaid, in order that the same may be so distributed amongst the creditors as to place them all upon an equal footing; and upon such third part so reserved as aforesaid being restored to such Assignee or Assignees, he or they shall forthwith proceed to take an account of the debts of the said Insolvent admitted and established in the Court, and of the sum or sums which shall or may have been paid by way of dividend to any of such creditors, and shall distribute the fund then in the hands of such Assignee or Assignees, so as to place all the creditors of the said Insolvent, whether Indian or British or Foreign, upon a just and equal footing, and so as that every creditor whose debt or claim shall be admitted or established in the Court shall receive a rateable and proportional part of the assets of the said Insolvent according to the amount of his debt, without reference to the time at which such debt shall have been claimed.

At expiration of twelve months such one-third part to be divided.

46. If any creditor whose claim shall have been admitted or established in the Court shall not appear, by himself, his Vakeel, Attorney or Agent, at the making of any dividend, nor shall make application to receive his share thereof, the Assignee or Assignees shall certify the same to the Court at its first sitting after the making of the dividend, and it shall be lawful for the Court to direct in what manner, and by whom, and upon what conditions the money so due to such creditor shall be kept for or paid to him or to his lawfully constituted Vakeel, Attorney or Agent.

If creditors do not appear to claim dividend, Court may order payment or deposit thereof, in such way as it shall see fit.

47. If any Assignee or Assignees shall neglect to pay any dividend which shall have been ordered by the Court, or in any other respect shall neglect or commit any breach of his or their duty as Assignee or Assignees, it shall be lawful for the Court, having first summoned the Assignee or Assignees to appear before it and answer the same, to order the payment of such dividend, with interest at such rate as the Court shall award, not exceeding eight *per centum per annum*, and to order the Assignee or Assignees to make such compensation to any party injured by such neglect or breach of duty as to the Court shall seem fit, and in default of obedience thereto to commit such Assignee or Assignees to the common Jail, there to remain without bail until he or they shall obey the order of the Court, and to levy by distress and sale of the offender's goods as much as shall be sufficient to satisfy the order of the Court.

Power of Court over Assignees neglecting to pay dividends or committing breach of duty as such Assignees.

48. If it shall appear to the Court that any such Insolvent as aforesaid is indebted to any servant or clerk of such Insolvent in respect of wages or salary of such servant or clerk, it shall be lawful for the Court to order so much as shall be due as aforesaid, not exceeding six months' wages or salary, to be paid to such servant or clerk out of the estate of such Insolvent, and such servant or clerk shall be at liberty to prove and receive dividends for any sum exceeding such last-mentioned amount.

Court may award wages, &c., to servants or clerks, not exceeding six months, with power to prove for any sum beyond the same.

49. Upon application to the Court for that purpose, it shall be lawful for the Recorder sitting as Judge of the Court to declare that the Insolvent is entitled to his personal discharge under this Act, and to order the same accordingly. Such order of discharge shall have the effect of protecting his person from arrest in respect of all demands inserted in his schedule or established in the same Court. If such Insolvent be in custody, it shall be lawful for the Recorder sitting as aforesaid to order his immediate discharge from custody accordingly, or to dismiss or give leave to amend the petition aforesaid, or to order the Insolvent to amend his schedule, or to adjourn the hearing until a future day, or to make a reference to some Officer of the Court to make inquiry into any matter of account, or into the truth of the schedule or schedules, and to report thereon to the Court; and it shall also be lawful for such Recorder to remand the Insolvent to prison, if a prisoner, until a further hearing or until a further time to be named in such order, or to commit the Insolvent to custody for any debt or demand, if he shall not be in custody at the time of the hearing, and to cancel or renew any such order as is hereinbefore mentioned, which may have been given for the purpose of affording interim protection to the Insolvent from arrest, and to order and direct that the Assignee shall make some reasonable allowance for maintenance of the Insolvent until final order, the amount of which shall be fixed by such Recorder, and shall not exceed five Rupees per week; and the Court by which any order of discharge shall be made upon any such hearing as is hereinbefore mentioned, shall by such order direct that the Assignee shall give such notice of such order as to the Court shall seem fit.

Court may, by order of discharge, protect Insolvent, or discharge from custody, or dismiss, &c., petition, or order to amend schedule, or adjourn the hearing, &c.

Court may remand Insolvent to prison, &c., and order an allowance for maintenance.

50. The discharge of any such Insolvent as aforesaid shall and may extend to any sum or sums of money which shall be payable, by way of annuity or otherwise, at any future time or times, by virtue of any bond, covenant or other security whatsoever, and to any sum or sums of money payable at a certain time, which time shall not have arrived at the time of the act of insolvency or petition of such Insolvent; and every person who would be a creditor of such Insolvent for such sum of money, if the same were

Discharge to extend to any sums payable by Insolvent by way of annuity at any future time, &c.

Persons who would be creditors, if monies were presently due, entitled to benefit of provisions of this Act.

presently due, shall be admissible as a creditor of such Insolvent for the value of such sum of money so payable as aforesaid, which value the Court shall, upon application at any time made in that behalf, ascertain; and such creditor shall be entitled in respect of such value to the benefit of all the provisions made for creditors by this Act, without prejudice, nevertheless, to the respective securities of such creditor, excepting as respects such Insolvent's discharge under this Act, and the discharge by virtue of this Act as to any debt or demand of any creditor of the Insolvent shall be deemed to extend also to all costs incurred by such creditor before the insolvency in any suit for the recovery of the same, and to any process of contempt for enforcing the same, and to all costs which the Insolvent would be liable to pay in clearing such contempt; and all persons as to whose demands for any such costs as aforesaid the discharge of the Insolvent is so to extend shall be deemed creditors of the Insolvent in respect thereof, and entitled in respect thereof to the benefit of all the provisions made for creditors by this Act, subject nevertheless to ascertaining the amount of such demands by taxation or otherwise.

Discharge to extend to costs incurred before insolvency.

51. If after the filing of any Insolvent's schedule in the Court and before such Insolvent shall obtain his discharge in the nature of a certificate hereinafter mentioned, any suit shall be pending against the Insolvent, his heirs, executors or administrators, in any Court in British India, or any execution or process shall be sued out or issued from any such Court, or be enforced against such Insolvent, his heirs, executors or administrators, for or in respect of any debt or demand admitted in the schedule of the Insolvent or disputed as to amount only, the said Court in which such suit shall be pending, or from which such execution or process as aforesaid shall issue, on proof to its satisfaction that such suit, execution or process, is in respect of the debt or demand aforesaid, may stay the proceedings in such suit so far as the same respects the said debt or demand, until further order of the said Court, and may set aside or suspend such execution or process, so far as the same respects the said debt or demand, until further order of the said Court as it shall think fit; and in such case the plaintiff shall pay all costs reasonably incurred by such Insolvent, his heirs, executors or administrators by reason of such proceedings, and such execution and process as aforesaid subsequent to such plaintiff's having notice of his debt or demand being included in such schedule as aforesaid: Provided always, that no prisoner whose estate shall by an order under this Act have been vested in the said Official Assignee, shall, after such order and whilst the same is in force, be discharged out of custody otherwise than under the provisions of this Act, as to any suit or process, or concerning any demand with respect to which an order of discharge can, under the provisions of this Act, be made; nor shall such suit or process abate, be discontinued, terminated or dismissed, or the plaintiff be in any way subject to pay costs by reason merely of his not having taken any further step in such suit or process, or his forbearing to proceed with the same, after such vesting order as aforesaid.

Suits against the Insolvent pending at the time of insolvency, and all proceedings therein, may be stayed, so far as relate to debts contained in Insolvent's schedule.

No prisoner whose estate is vested in Assignee to be discharged as to certain suits, &c., except under this Act.

52. In case it shall appear to any Court constituted under this Act for the relief of Insolvent Debtors, that any such Insolvent has fraudulently, with the intent to conceal the state of his affairs or to defeat the objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the production of any book, paper or writing relating to such of his affairs as are subject to investigation under this Act, or kept or caused to be kept false books, or made false entries in, or withheld entries from, or wilfully altered or falsified any such book, paper or writing, or that such Insolvent has fraudulently, with intent of diminishing the sum to be divided among his creditors or of giving an undue preference to any of the said creditors, discharged or concealed any debt due to or from the said Insolvent, or made away with, charged, mortgaged or concealed any part of his property, of what kind soever, the Recorder sitting as Judge of such Court shall have power to adjudge that the Insolvent shall be imprisoned for a period or periods not exceeding two years in the whole, as such Recorder shall direct, and to declare him entitled to his discharge as aforesaid at the expiration of the term of imprisonment to which he shall be sentenced, and by warrant under the seal of the Court to order him to be arrested and committed to prison, and there to be detained accordingly.

Penalty on Insolvent fraudulently concealing his effects or destroying or falsifying books or giving undue preference.

53. In case it shall appear to the Recorder sitting as Judge of any such Court, that such Insolvent shall have contracted any of his debts fraudulently, or by means of breach of trust, or by means of false pretences, or without having any reasonable or probable expectation at the time when contracted of paying the same, or shall have fraudulently or by means of false pretences obtained the forbearance of any of his debts by any of his creditors, or shall have put any of his creditors to any unnecessary expense, by any vexatious or frivolous defence or delay, to any suit for recovering any debt or any sum of money due from such Insolvent, or shall be indebted in costs incurred in any suit vexatiously brought or defended, or shall be indebted for damages recovered in any suit for criminal conversation with the wife, or for seducing the daughter or servant of the plaintiff in such suit, or for breach of promise of marriage made to the plaintiff in such suit, or for damages recovered in any suit for a malicious prosecution, or for a defamation or assault as defined in the Indian Penal Code, or malicious arrest, or in any other suit for a malicious injury done to the plaintiff therein, or in any suit of tort or trespass to the person or property of the plaintiff therein, wherein it shall appear to the satisfaction of such Recorder that the injury complained of was malicious, or if it shall appear that the Insolvent's whole debts so greatly exceed his means of providing for the payment thereof during the time when the same were in the course of being contracted, reference being had to his actual and expected property, as to show gross misconduct in

Insolvents fraudulently, vexatiously, frivolously or maliciously contracting certain debts, not entitled to discharge.

contracting the same, then and in every such case it shall and may be lawful for such Recorder to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to any debts, sum or sums of money, or damages to be specially mentioned in the order, and as to such debt or debts, sum or sums of money, or damages, to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid as soon as he shall have been in custody at the suit of the person or persons who shall be creditor or creditors for the same respectively, for such period or periods, not exceeding two years in the whole, as such Recorder shall direct.

Where Insolvent is ordered to be discharged after imprisonment, he may still be liable to be arrested and charged in custody at the suit of certain creditors.

54. In all cases where it shall have been ordered that any such Insolvent shall be discharged from imprisonment as aforesaid at some future period, such Insolvent shall be subject and liable to be detained in prison, and to be arrested and charged in custody, at the suit of any one or more of his creditors with respect to whom it shall have been so ordered, at any time before such period shall have arrived, in the same manner as he would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such period shall have arrived, such Insolvent shall be entitled to the benefit and protection of this Act, notwithstanding that he may have been out of actual custody during all or any part of the time mentioned in such order, by reason of such Insolvent not having been arrested or detained during such time, or any part thereof.

Where Insolvent liable to further imprisonment at the suit of creditors, Court may order detaining creditor to allow him a sum for maintenance.

55. In all cases where such Insolvent shall, upon such order as aforesaid, be liable to further imprisonment at the suit of his creditors or any of them, it shall be lawful at any time for the Court by which such order shall be pronounced, on the application of such Insolvent, to order such creditor or creditors at whose suit he shall be so imprisoned to pay to such Insolvent such sum or sums not exceeding the rate of five Rupees by the week in the whole, at such times, and in such manner, and in such proportion, as such Court shall direct, and in failure of payment thereof, as directed by such Court, such Court shall order such Insolvent to be forthwith discharged from custody at the suit of the creditor or creditors so failing to pay the same.

Creditor opposing discharge of Insolvent to have his costs allowed him out of the estate in certain cases; if opposition frivolous or vexatious, Court may award costs against such creditor.

56. Whenever any creditor opposing such Insolvent's discharge shall prove to the satisfaction of the Recorder sitting as Judge of such Court that such Insolvent has done or committed any act for which he may be liable to remain in such custody as aforesaid, it shall be lawful for such Recorder to order the costs of such opposition to be paid to such opposing creditor or creditors out of the estate and effects of such Insolvent, by his or her Assignee or Assignees, before any dividend made thereof; and in all other cases of opposition to an Insolvent's discharge being substantiated or effectual, it shall be lawful for such Recorder to adjudge in like manner; and in case it shall appear to such Recorder that the opposition of any creditor to any such Insolvent's discharge was frivolous and vexatious, it shall and may be lawful for such Recorder to award such costs to such Insolvent as shall appear to be just and reasonable, to be paid by the creditors making such opposition, which shall be paid accordingly.

Where order has been issued for discharge of Insolvent, the Court may also discharge him as to any arrest or detainers that may be lodged against him in respect of the same.

57. Where in the matter of any such petition heard before any such Court, any order shall have been made by such Court for the discharge of any Insolvent, such Court shall also issue a warrant or warrants to the Gaoler accordingly, ordering the discharge of such Insolvent from custody, as to any arrest or detainers under which he may then be confined or which may be lodged against him before he shall be out of custody, the same being for debts in respect of which such order of discharge shall have been made, and every such order of discharge shall take effect as from the day on which it was pronounced, and every such order may be made without specifying therein any such debt or sum of money, or claims as aforesaid, or naming therein any such creditor as aforesaid, excepting so far as shall be necessary in any case in order to distinguish between the creditors as to whom any such Insolvent may be ordered so to be discharged as aforesaid forthwith, and the creditors as to whom he may be ordered to be so discharged at some future period. Provided nevertheless, that in all cases the arrest or detainer with respect to which any such Insolvent shall have been ordered to be discharged out of custody, he being then in custody thereupon, shall be specified in the warrant of such Court, to be delivered to the Gaoler in that behalf.

Such order for discharge, except in cases of appeals, shall be final and conclusive unless obtained fraudulently.

58. Every such order for discharge of any Insolvent as aforesaid by any such Court as aforesaid, except in cases of appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless the Recorder sitting as Judge of such Court shall thereafter see good and sufficient cause to believe that such order has been made on false evidence, or has been made by reason of an improper suppression of evidence, or of any false statements in the Insolvent's schedule, or has otherwise been fraudulently obtained, in which case it shall and may be lawful for the Recorder sitting as Judge of such Court, upon the application of such Insolvent, or of any creditors of such Insolvent, to order such Insolvent, upon due notice to be given to such persons and in such manner as the Court shall direct, to attend or to be brought up, and the said matter to be reheard before the Recorder sitting as Judge of such Court, who shall thereupon re-hear the same, and shall and may, if just cause shall appear, annul the original order made in such case, and shall have the same powers and authorities upon such rehearing as upon an original hearing in pursuance of this Act, and may adjudicate in such matter accordingly; and thereupon, in case the former order in the said matter shall not be confirmed, such order, certificate and warrant, so far as cir-

cumstances require, shall be made as required by this Act to be made in the case of the original order; and such Recorder shall and may, if necessary, remand the said Insolvent to the same custody in which he or she was at the time of the former hearing, there to be subject to imprisonment as if the former order therein had not been made; and thereupon all detainers which were in force against such Insolvent at the time of his or her former discharge from custody, shall be deemed to be still in force against him or her as if such former order had not been made; and the Gaoler or keeper of the prison to which such Insolvent shall be so remanded shall and is hereby required to receive such Insolvent into his custody in pursuance of such remand, for doing which the order of remand in such case shall be his sufficient warrant; and where in any case such Insolvent shall refuse or neglect to appear before such Court according to such order for re-hearing as aforesaid, a copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for the Court to order such Insolvent to be apprehended and committed to custody to such prison, and to issue its warrant accordingly, and to cause such Insolvent to be brought up for examination as often as to the Court shall seem fit. Provided always, that where upon such re-hearing it shall appear to the Recorder sitting as Judge of such Court that such Insolvent is not entitled to the benefit of this Act until some future period, according to the provisions herein contained, such Recorder shall and may, if it shall appear reasonable, adjudge the discharge of such Insolvent at such future period, to be calculated without including the time during which such Insolvent shall be out of custody since the time appointed for his or her discharge by such former order as aforesaid.

If order issued erroneously, Court may revoke, annul, suspend or amend the same, and recommit the prisoner.

59. Provided always, that if in any case an order for the discharge of any such prisoner shall have issued erroneously, and which is not pursuant to the intended order of the Court in that behalf, it shall be lawful for the Recorder sitting as Judge of the Court, on such error being shown to him, to revoke such order, and to annul, suspend or amend the same, and, if necessary, to re-commit such prisoner to his former custody, when by such order he shall have been discharged therefrom; and the Gaoler or keeper of the prison to whose custody such prisoner shall be so re-committed is hereby required to receive such prisoner into his custody, according to such re-commitment, and thereupon all detainers which were in force against such prisoner at the time of such discharge as aforesaid shall be deemed to be still in force against him as if such erroneous order had not issued.

On request of Assignee, Insolvent may at any time, although discharged, be further examined touching his estate.

60. It shall and may be lawful to and for the Assignee or Assignees from time to time, although an order for the discharge of the Insolvent may have been made, to apply to the Recorder sitting as Judge of the Court that such Insolvent may be further examined as to any matter or things relating to his estate and effects by such Recorder, and thereupon it shall be lawful for the Court to order the same; and in case such Insolvent shall neglect or refuse to appear before the Court at such time and place as shall be directed by such order, or shall refuse to be sworn, or to answer to such questions as shall be put to him relating to the discovery of his said estate and effects, then and in any of such cases it shall be lawful for such Recorder by warrant to commit such Insolvent to Jail, there to remain without bail or mainprize, until such time as he shall submit himself to the order of the Court in that behalf, and shall answer upon oath or otherwise, as shall be required, to all such lawful questions as shall be put to him in pursuance of the same for the purposes aforesaid.

Penalty on Insolvent refusing to appear.

Where estate pays one-third of Insolvent's debts, or where creditors to that amount consent, Court may grant an order *nisi* for final discharge of Insolvent, appoint time for hearing, and direct notices to be given.

61. Whenever it shall appear that the estate of any Insolvent which has come to the hands of his Assignee has sufficed to pay one-third of his debts admitted or established in the matter of the said insolvency, or that a majority in number and value of the creditors whose debts are admitted by the schedule, or established by proof, have consented to such application, it shall be lawful for the Recorder sitting as Judge of the Court, at any time after the hearing of his petition, upon the application of the Insolvent by petition, which may be in the form contained in the Schedule (E) to this Act annexed, with such variations as the case may require, to make an order *nisi* for his discharge in the nature of a certificate, and such order shall specify the creditors whose demands are thereby sought to be discharged, and shall appoint a time for the further hearing of the said petition, and shall direct such notice to be given of such order in the meantime as it shall think fit, and in case any of the creditors against whom such discharge shall be sought shall appear to such Recorder to be resident without the limits of British India, to cause notice of such order, or of so much thereof as may appear necessary, to be inserted in the Official Gazette; and the Secretary of the Chief Commissioner of British Burmah shall thereafter, without delay, transmit copies of such Gazette containing such notice as aforesaid by separate conveyances to the Secretary of State for India, so that an extract from such Gazette containing such notice may be inserted in the *London Gazette*, and upon the further hearing of such petition, it shall be lawful for the said Court to make such order absolute, or to dismiss such petition, or to adjourn the further hearing thereof, or to make such order therein as shall be just; and such discharge, unless order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired property, from the demands of all the creditors named in the said order *nisi*: Provided always that such order shall not affect any creditor without the limits of British India, unless notice of the said order *nisi* shall have been directed to be given in the Gazette in manner aforesaid, and a period of twelve months shall have elapsed between the date of the said order *nisi* and the date of the said order to make the same absolute: Provided also that such order shall not operate as a release or discharge of any person who was a partner with such Insolvent, or jointly bound or liable with him.

Court may, upon application of Insolvent trader, provided he has filed his schedule, make an order *nisi* for his discharge, appoint a time for hearing, and direct notices to be given.

62. It shall be lawful for any Insolvent Debtor being such trader as hereinbefore is mentioned, who shall have presented a petition under this Act, or as to whom an adjudication that he has committed an act of insolvency shall have been made under this Act, provided he shall have filed his schedule, to apply to the Court by petition, which may be in the Form contained in the Schedule (F) to this Act annexed, with such variations as the case may require; and it shall be lawful for the Recorder sitting as Judge of such Court, upon such petition, to make an order *nisi* for his discharge in the nature of a certificate, and to appoint a time for the further hearing of the said petition, and to direct such notices to be given of such order in the meantime as it shall think fit, and in case any of the creditors against whom such discharge shall be sought shall appear to such Recorder to be resident without the limits of British India, to cause notice of such order to be inserted in the Official Gazette; and the Secretary to the Chief Commissioner of British Burmah shall thereafter without delay transmit copies of such Gazette containing such notice as aforesaid by separate conveyances to the Secretary of State for India, so that an extract from such Gazette containing such notice may be inserted in the *London Gazette*, and upon the further hearing of the said petition, it shall be lawful for such Recorder to make such order absolute, or to dismiss such petition, or to adjourn the further hearing thereof, or to make such order therein as shall be just; and such discharge, unless such order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired property, from all demands which would be discharged by a certificate under the Bankrupt Laws, granted under a fiat bearing even date with the Insolvent's petition, or with the adjudication, as the case may be: Provided always, that such order shall not affect any creditor without the limits aforesaid, unless notice of the said order *nisi* shall have been directed to be given in the *London Gazette* in manner aforesaid, and a period of twelve months shall have elapsed between the date of the said order *nisi* and the date of the said order to make the same absolute: Provided also, that such order shall not operate as a release or discharge of any person who was partner with such Insolvent, or jointly bound or liable with him.

If Insolvent, discharged by such order, be again sued in respect of former debts, Court may, on his application, order proceedings to be stayed and award costs.

63. If any such Insolvent, his heirs, executors or administrators shall, after such order for discharge in the nature of a certificate under this Act as aforesaid, be sued or arrested, or execution shall issue against his or their property for any debt, claim or demand from which the said Insolvent shall have been discharged by such order, on his or their application to any Court having power to stay such proceedings, or to discharge from such arrest, or to set aside such execution, and upon proof to the satisfaction of such Court of such order, and that the debt or claim for which such proceedings are had is the same from which the said Insolvent has been discharged by such order as aforesaid, such proceedings shall be stayed, and he or they shall be discharged from such arrest, and such process of execution shall be set aside, and all further proceedings in the suit in which such arrest or such execution was shall also be stayed, and the Court shall have power to award costs to the said Insolvent, or his heirs, executors or administrators, as aforesaid, in case the said proceedings shall appear to the Court to have been taken after notice of the said order, and without any reasonable cause for impeaching the same, or to have been otherwise oppressive or vexatious.

Nothing in this Act to affect debts, penalties, &c., due to the Crown.

64. Provided always, that no debt due to Her Majesty the Queen, nor any fine, penalty or forfeiture whatsoever, nor any recognizance whereby a debt is acknowledged to the Queen, nor any debt due on account of any fine, penalty, or forfeiture, or any estreat, shall be deemed or taken to be such a debt as to entitle any person to petition as is before mentioned, nor shall any person be entitled to receive any dividend for the same under this Act, nor shall any such fines, penalties, forfeitures, recognizances, debts or estreats be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

Special provisions for insolvent married women.

65. The provisions of this Act shall extend to married women, and the order vesting the estate and effects of every such married woman in the Official Assignees hall extend to and operate upon her interest in any property, moveable and immoveable, in possession, reversion, remainder or expectancy, subject to any rights of her husband therein, and to all property over which she shall have any beneficial power of disposition, notwithstanding her coverture, to the extent of the benefit which she might acquire therein by the exercise of such power; but the same shall not extend to her wearing apparel, bedding, and other such necessaries not exceeding in the whole the value of two hundred Rupees: Provided always, that the discharge of any married woman under the provisions of this Act shall not extend to discharge her husband from any debt in respect of which his wife shall be so discharged, but such debt, as far as the same shall remain unpaid and unsatisfied, shall be chargeable upon, and in force against such husband, as fully to all intents and purposes as if his wife had not obtained such discharge.

And for insolvent Lunatics.

66. If any such prisoner for debt as aforesaid shall be or become of unsound mind, and be therefore incapable of taking the benefit of this Act in such manner as he might have done if of sound mind, the Gaoler or keeper of the prison wherein such prisoner shall be, shall give information thereof to the Court for the relief of Insolvent Debtors of the town wherein such prison shall be situated, which Court may thereupon proceed to inquire touching and respecting the state of the prisoner's mind, by examination of witnesses upon oath or solemn affirmation, or by such other means as it shall think fit, and if the Court shall conclude that the prisoner is of unsound mind, it shall be lawful for the Court, at the instance of any person on behalf of such prisoner, to order notice to be twice inserted

in the Official Gazette, and in such notice to specify and direct that application shall be made to such Court for the discharge of such prisoner on a day to be specified in such notice, being twenty days at least from the first time of publication of such notice, which notice, together with service of the notice on the creditor or creditors at whose suit such prisoner shall be detained in custody, or his, her, or their Vakeel or Attorney shall be deemed sufficient to authorize the Court to proceed to the discharge of such prisoner, and the Recorder sitting as Judge of such Court, in case it shall appear to him that such prisoner is of unsound mind, shall proceed accordingly, and discharge such prisoner: Provided always, that all and every the estate, right, title, interest, power, benefit and emolument whatsoever, which would vest in the Official Assignee under a vesting order in the case of a petition by such Insolvent if he were of sound mind, shall, by force and virtue of the order for the discharge of such prisoner, be vested in the Official Assignee in the manner and for the purposes hereinbefore mentioned.

Affidavits and affirmations may be sworn, &c., before Courts, &c., appointed for that purpose.

67. Affidavits and affirmations to be used before any Court for the relief of Insolvent Debtors, or any Officer of such Court, may be sworn and affirmed before such Court, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits or affirmations in any of Her Majesty's Courts of Record within the limits of British India, or before any person in Great Britain or Ireland authorized to take affidavits or affirmations.

Penalty for perjury, or for forging or counterfeiting the seal of any Court.

68. If any person, in any proceeding, examination, affidavit or affirmation had or taken under this Act, shall intentionally swear or affirm falsely, or shall forge or counterfeit the seal of any of the said Courts, or knowingly concur in using any such forged or counterfeit seal, for the purpose of authenticating any proceedings or document, he shall be punished with imprisonment of either description, as described in the Indian Penal Code, for a term which may extend to seven years, and shall also be liable to fine.

Penalty for embezzlement or concealment of effects, books, papers, &c.

69. If any Insolvent who shall have filed a petition for relief, or against whom any such adjudication as aforesaid of an act of insolvency shall have been made in any of the said Courts for the relief of Insolvent Debtors, or any other person, shall wilfully and fraudulently embezzle or conceal or remove any part of the moveable or immoveable property or effects of such Insolvent or any books of account, papers or writings relating thereto, with intent to defraud his creditors, or shall destroy, alter, mutilate or falsify any of his books, papers, writings or securities, or make or be privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors, the person convicted of any such offence shall be punished with imprisonment of either description, as described in the Indian Penal Code, for a term which may extend to seven years, and shall also be liable to fine.

Application of fines imposed for the foregoing offences.

70. Whenever any person shall have been ordered and adjudged under the provisions of this Act to pay any fine for any offence hereinbefore mentioned, and such fine shall have been paid, it shall be lawful for any Assignee or Assignees in whom the estate and effects of any Insolvent shall be duly vested according to the provisions of this Act to apply to the Court by which such fine shall have been imposed; and if it shall be proved to the satisfaction of the same Court that the creditors for whose benefit the said Assignee or Assignees shall hold in trust the said estate and effects have been defrauded, or have incurred loss by means of any such offence as aforesaid, the said Court by which the said fine shall have been imposed may direct the same to be paid, after deducting the costs of prosecution, to the said Assignee or Assignees for the use and benefit of the said creditors. Provided always, that if no such application shall be made by such Assignee or Assignees within one year after any such fine shall have been paid, it shall be lawful for the Court by which such fine shall have been imposed to appropriate, apply, and to pay over such fine to such uses, purposes, and persons, and in such manner, as any other fine imposed by the same Court under the provisions of the Indian Penal Code may be lawfully appropriated, applied, and paid over.

Jurisdiction of Registrar when Recorder is not sitting.

71. Whenever the Recorder shall not sit as Judge of the Court, the Registrar shall have and exercise all such jurisdiction, authority, and powers as by this Act are conferred upon the Court, save so far as the same are by this Act expressly limited to the Recorder sitting as Judge of the Court.

Provisions of Act XXI of 1863 to apply to applications heard before, and orders made by Registrar under this Act.

72. The provisions of Act No. XXI of 1863 respecting the applications thereby authorized to be made to the Registrar of the Recorder's Court, and the variation, review, and reversal of and appeals from the orders to be made on such applications, shall apply to all applications heard before and orders made by the Registrar in pursuance of this Act.

Any person interested in proceedings before the Court may, on making a deposit, require the evidence, &c., to be taken down by a sworn Officer of the Court.

73. Any person who shall be interested in any proceeding of any of the said Courts for the relief of Insolvent Debtors, upon depositing with the proper Officer of the Court a sum of money of which the amount shall be fixed by the Court, may require that the whole of the evidence relating to any such proceeding may be taken down in writing by a sworn Officer of the Court, and the same shall be done accordingly; and in case such person shall not within one month thereafter present a petition of appeal as is hereinafter directed, it shall be lawful for the Court in which such evidence shall have been so taken down in writing as aforesaid to pay the reasonable costs and expenses thereof out of the money which shall have been so deposited as aforesaid, returning the surplus, if any, to the person who shall have deposited the same.

Power of appeal to the High Court of the Presidency.

74. It shall be lawful for any person who shall think himself aggrieved by any adjudication, order, or proceeding of any Recorder sitting as Judge of any such Court for the relief of Insolvent Debtors to present, within two months thereafter, a petition to the High Court of Judicature at Fort William in Bengal; and it shall be lawful for such last mentioned Court to order that the whole of the evidence, if any, which shall have been so taken down in writing as aforesaid, and the minutes and records of the proceedings of which complaint shall have been made, shall be brought before it, and the said last mentioned Court shall inquire into the matter of the petition, and of such proceedings and evidence, and shall make such order thereon as to the same Court shall seem just, and shall thereby direct by whom and in what manner the costs of such petition, and of the proceedings which shall have been had thereon, and of the taking down of any such evidence in writing, and of the proceedings of which complaint shall have been made, shall be paid; and such order shall be final and conclusive as to all parties, and shall be compulsory and binding upon the Court in which such proceedings so complained of shall have been had.

Officers of Court to produce proceedings and give copies thereof.

75. The proper Officer of the Court shall, on the reasonable request of any such Insolvent as aforesaid, or of any creditor or creditors of such Insolvent, or his, her, or their Vakeel or Attorney, produce and show to such Insolvent, creditor or creditors, and his, her, or their Vakeel or Attorney, at such times as such Court shall direct, every petition, schedule, order of adjudication, and all other orders and proceedings made and had relating to such Insolvent; and the Court shall order the Assignees of such Insolvent, or the said Officer of the Court, as the case may be, to permit the said Insolvent, creditor or creditors, or their respective Vakeels or Attorneys, to have inspection, at all reasonable times, of all books, papers and writings relating to the matters of the said insolvency, and the estate of the said Insolvent in the possession of such Assignees, or filed in Court in such matter, and permit him, her, or them to inspect and examine the same; and such Officer or such Assignees as aforesaid shall provide for any such Insolvent, or creditor or creditors, or his, her, or their Vakeel or Attorney requiring the same, a copy or copies of such petition or other proceedings, books, papers and writings as aforesaid, or of such part thereof as shall be required, receiving such fee or sum or rate of charge as such Court shall appoint for so providing the same; and a copy of such petition, schedule, order, and other orders and proceedings as aforesaid, purporting to be signed by the Officer in whose custody the same shall be, or his Deputy, certifying the same to be a true copy of such petition, schedule, order, or other proceedings, and appearing to be sealed with the seal of the Court, shall at all times, and on behalf of all persons, and whether for the purposes of this Act or otherwise, be admitted in all Courts whatever, and before Magistrates and Justices of the Peace, without any proof of such seal or other proof whatsoever, as sufficient evidence of the same.

Conveyances, &c., under this Act not liable to Stamp or other duties.

76. No conveyance, assignment, letter of attorney, affidavit, certificate or other proceeding, instrument or writings whatsoever before or under any order of any of such Courts for relief of Insolvent Debtors, nor any copy thereof, nor any advertisement inserted in any newspaper by direction of any such Court, relating to matters within the jurisdiction of such Court, shall be liable to or chargeable or charged with the payment of any Stamp or other duty.

Recorder may make rules and may alter and amend the same, subject to the approval of the Governor-General in Council.

77. The Recorder shall have power from time to time to make rules, not inconsistent with the provisions of this Act, for facilitating and carrying into effect within his jurisdiction the relief intended to be given by this Act in cases for which sufficient provision has not been thereby made, and from time to time to alter and add to such rules. All such rules, alterations and additions shall from time to time be transmitted to the Governor-General of India in Council for his approbation, correction or revision.

Notices of insolvency, &c., to be inserted in the Gazettes of the Presidencies and the *London Gazette*.

78. The principal Officer of the Court shall cause notices to be inserted in the Official Gazette of every petition which shall be filed in such Court by any Insolvent for relief under this Act, and of every adjudication of an act of insolvency, and of every confirmation or revocation thereof, together with the dates of the same respectively, and, in the case of an adjudication, the date of the petition on which the same is grounded, forthwith after the filing of such petition or pronouncing such adjudication or such confirmation or revocation respectively; and the Secretary of the Chief Commissioner of British Burmah shall, without delay, transmit to the Secretary of State for India two or more copies at least of every such Gazette which shall contain any such notice as aforesaid.

Order for discharge of Insolvent Debtor not to operate as a discharge to the debts, &c., of any creditor not resident within the limits of British India.

79. In case any adjudication of an act of insolvency, whether under the provisions of this Act or otherwise, shall be issued against such Insolvent trader as aforesaid, upon which such Insolvent shall be declared a bankrupt before such order for discharge in the nature of a certificate as hereinbefore mentioned, then and in such case such order shall not operate as a discharge from the debt, claim, and demand of any creditor who shall not have been resident within the limits aforesaid at any time between the filing of the Insolvent's petition or the adjudication, as the case may be, and the making of such order: Provided always that when such Insolvent shall be indebted or liable to two or more persons jointly, if any one of such joint creditors shall have been resident within the limits aforesaid within the time aforesaid, such certificate shall operate against all such joint creditors as aforesaid, notwithstanding the non-residency within the limits aforesaid of some of the said joint creditors.

Proviso as to joint creditors.

80. Whenever it shall appear by the schedule of any such Insolvent as aforesaid that any of the creditors are resident out of the limits aforesaid, the principal Officer of the said Court for the relief of Insolvent Debtors shall, as soon as conveniently may be after the filing of such schedule, transmit two or more copies thereof to the Secretary of the Chief Commissioner of British Burmah, who shall transmit the same to the Secretary of State for India as soon as conveniently may be after the receipt thereof.

When creditors are residing out of the limits, proceedings to be transmitted from India to the Secretary of State for India.

81. Provided always, that in all cases where any Insolvent shall not have obtained his discharge in the nature of a certificate as aforesaid under this Act, the Recorder sitting as Judge of such Court may, if in the circumstances of the case he shall think fit, before making such order for such discharge, direct a decree to be passed against such Insolvent in the Recorder's Court within the limits of whose jurisdiction such Court for the relief of Insolvent Debtors shall be situate, in favour of the Assignee or Assignees, or of such Official Assignee as the Court shall think fit, for the amount of the debts or demands stated in the schedule of such Insolvent as due or claimed, and of such as shall be established in the said Court against the said Insolvent's estate, or so much thereof as shall appear at the time of such order to be due, which said order shall be filed in the said Court for the relief of Insolvent Debtors; and the production of such order, or of a copy of such order, under the seal of the said Court, of which order, copy and seal no proof shall be requisite, other than the production of such order or copy, shall be sufficient authority to the Recorder for passing the said decree; and then, and in every such case, and notwithstanding the provisions hereinbefore contained, if at any time it shall appear to the satisfaction of the said Court that such Insolvent is of ability to pay such debts or demands, or any part thereof, or that he is dead, leaving assets for such purpose, and that under the circumstances the same is reasonable and proper, the said Court may, if it shall think fit, order execution to be taken out upon such judgment against the property of such Insolvent, whether the same may or may not be by law vested in his Assignee or Assignees, for such sum of money as, under all the circumstances of the case, the Court shall order, such sum to be distributed rateably amongst the creditors of such Insolvent according to the mode hereinbefore directed in the case of a dividend, and such further proceedings may be had upon such judgment as the Court may from time to time order, until the said debts or demands shall be fully paid and satisfied, and execution of such decree shall at all times be enforced by virtue of the order of the said Court for the relief of Insolvent Debtors from time to time. Provided always, that in case any application against any such Insolvent for the purpose aforesaid shall appear to the Court to be vexatious or oppressive, it shall be lawful for the said Court, not only to refuse to make any order on such application, but also to dismiss the same, with such costs against the party making the same as to the said Court shall appear reasonable.

Court may direct decree to be passed for the amount of the debts stated in Insolvent's schedule.

Execution on the same may be issued against future assets of Insolvent.

82. No decree entered up in pursuance of the provisions in the last preceding Section contained shall be defeated or affected by the lapse of time or by any Act providing for the limitation of suits, unless and until such decree would have been defeated in case it had been a decree of a Court established by Royal Charter.

Decrees entered up under Section 81 not to be affected by lapse of time otherwise than decrees of High Courts.

83. When the debts or demands in respect of which such decree shall have been passed as aforesaid shall have been satisfied, it shall be lawful for the Recorder sitting as Judge of such Court, upon application of the Insolvent, his heirs, executors or administrators, to direct satisfaction to be entered on such decree, and the production of the order of the said Court for entering up such satisfaction, or of a copy thereof, under seal of the said Court (of which said order or copy or seal no proof shall be requisite, other than the production of such order or copy as aforesaid), shall be a sufficient authority to the proper Officer for entering up the same; and if in any case it shall appear to the satisfaction of such Recorder that after the said debts and demands shall have been so discharged and satisfied as aforesaid, there shall remain in the possession or subject to the control of his Assignee or Assignees any property of any kind or description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim title by virtue of the order made in that behalf, or otherwise by virtue of his or their office of Assignee or Assignees, it shall be lawful for such Recorder, on such application as aforesaid, to order that all such property so remaining as aforesaid shall be vested in the party so applying, and be forthwith delivered up to the said party, and such order shall have the effect of vesting the same accordingly, and the same shall be forthwith delivered up to the said party.

And when the said decree is discharged and satisfied, Court may order satisfaction to be entered up on such decree.

84. Where any rules or other matters are hereinbefore directed to be transmitted to the Governor-General of India in Council for his approbation, correction or revision, the same respectively shall in the meantime be of full force and shall so continue until the expiration of fourteen days after the Court by whose authority such rules or other matters shall have been made shall have received from a Secretary to the Government of India a communication of the Governor-General of India in Council's disallowance thereof, or of any alterations directed by him to be made therein.

Rules, &c., directed to be transmitted for the Governor-General's approbation shall be in force till the return of the same.

85. This Act shall, as to all matters not otherwise provided for, commence and come into operation in the Towns of Rangoon and Moulmein on the first day of February one thousand eight hundred and sixty-six, and in the Town of Akyab so soon as a Recorder of Akyab shall be appointed under the provisions of Act No. XXI of 1863.

Commencement of Act.

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A.)

Form of Petition by Insolvent in Custody.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court, the humble petition of late of

Showeth,—

THAT on the day of your Petitioner was committed to the custody of [by virtue of a Writ of issued against your Petitioner at the Suit of the for the sum of Rs.], [and that detainers have since been lodged against him at the suit of and for sums of and respectively], and that he is now a prisoner in the gaol of under the process aforesaid.

That he is desirous of obtaining the benefit of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays that, upon compliance with the provisions of the said Act, he may have the benefit of the same, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The blanks are to be filled up, and the parts between brackets omitted or varied according to the facts.

The Petition is to be signed by the Insolvent, and witnessed by the Gaoler.

A similar form is to be adopted in the case of a joint petition.

SCHEDULE (B.)

Form of Petition of Insolvent not in Custody.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court, the humble petition of of

Showeth,—

THAT your Petitioner is in insolvent circumstances.

That he is now residing at within the jurisdiction of the Recorder's Court of

That he is desirous of obtaining the benefit of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays, that upon compliance with the provisions of the said Act, he may have the benefit of the same, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The Petition to be signed by the Petitioner, and witnessed by his Vakeel or Attorney.

SCHEDULE (C.)

In the Court for the relief of Insolvent Debtors.

The Schedule of

In the matter of , an Insolvent.

I the said do declare, that this my schedule doth contain a full and fair description of me, as to name, trade, profession and abode, and of the debts due or growing due from me, and of all persons to whom I am indebted, or who to my knowledge and belief claim to be my creditors, together with the nature and amount of such debts and claims respectively, distinguishing such as are admitted from such as are disputed by me; and also a full, true and perfect account of all my estate and effects, moveable and immoveable, in possession, reversion, remainder or expectancy, and also of all places and employments of benefit to me, held by me, and also of all pensions and allowances which I have in possession or reversion, or which are held by any other person for me or on my behalf, or of or from which I derive or may derive any manner of benefit, and also of all rights and powers which I am, or any other person in trust for me or for my use or benefit is, in any manner whatever possessed of or interested in or entitled unto, or which I or any other person in trust for me or for my benefit have or has any power to dispose of, charge, or exercise for my benefit or advantage, together with a full, true and perfect account of all the debts due or growing due to me or any person in trust for me or for my benefit or advantage, either solely or jointly with any other person, and the names and places of abode of the several persons from whom such debts are due and growing due, and of the witnesses who can prove or other evidence to prove such debts so far as I can set forth the same; and that this my schedule doth fully and truly describe the wearing apparel, bedding, and other such necessaries and working tools and implements of myself and my family, which are excepted by me from the operation of the Act relating to Insolvents in British Burmah together with the value of such excepted articles respectively.

CREDITORS.

No.	Names and description of creditors, of claimants, and their present or last residence.	Amount.			When contracted.	Admitted or disputed.	Nature and consideration of the debt and securities, if any; also why disputed, if disputed.
		Rs.	A.	P.			
1 &c.							

Where there are cross demands, the party must be entered both as creditor and debtor, and "set-off" must be written under the amount.

DEBTORS.

No.	Names and descriptions and places of abode of debtors.	Amount.			When contracted.	Good, bad, or doubtful.	Nature and consideration of the debt, also securities (if any) for the same.	Witnesses, with their residences, and other evidence by which the debt may be proved.
		Rs.	A.	P.				

N. B.—If property has been taken possession of by the Common Assignee, it must nevertheless be fully entered in the schedule.

PROPERTY IN POSSESSION.

		Supposed value.
1. Interest in land, houses, rents or other real estate.	Describe the quantity of estate, if less than the absolute proprietary right, as lease for years, lease for lives, &c., local description, names of tenants, annual rent or value, statement of incumbrances (if any) thereupon, with description of them, and dates.	
2. Goods, things in action ...	Household furniture	
	Wearing apparel (not excepted)	
	Jewels, trinkets, and ornaments	
	Plate, linen, china, glass	
	Wines and other liquors	
	Books, prints, and pictures	
	Horses and other animals	
	Carriages	
	Farming stock, crops, and implements of husbandry	
	Other crops on cultivation	
	Stock in trade, machinery, and utensils in my business of	
	Ships and shares of ships, describing the ships by name, and Master, or other sufficient description	
	Cash, bills, notes, bonds, &c; any other property not particularly specified	
3. Property in public securities, Indian or otherwise, shares in Companies, annuities, &c.	Describe the fund, stock, Company, security, &c., and state in whose name, and also when and by whom the last dividend or other payment in respect of the same was received, and shares of estate	
4. Unpaid legacies. ...	Legacies, shares of intestates' estates, with all particulars concerning the same	

Property in reversion, places, pensions, allowances, rights and powers.

Contingent as well as vested interests must be entered.

Moveable and immoveable property and effects in which I have any interest in reversion, remainder, or expectancy.

		Supposed value of my interest, if now to be sold.
1. Interests in land, houses, rents, and other immoveable property. 2. Moveable property, as goods and certain things in action. 3. Other moveable property, as public securities, Indian or otherwise, shares in Companies, annuities.	Describe the property as in the division relating to property in possession; add a description of the nature of the interest, and from whom and in what manner it is derived, with names and descriptions of persons now enjoying the same, the value or annual value, according to the nature of the property, and in whose name or names the property now stands, or who has the legal interest therein, according to the nature of the property.	
Places, pensions, and allowances in possession or reversion.	Places of employments held by me with the salaries, fees, and emoluments thereof; also all pensions and allowances in possession or reversion held by me, or by any other person or persons for me, or on my behalf, or of or from which I derive or may derive any benefit.	
Rights and powers ...	Rights and powers which I or any other person or persons in trust for me, or for my use, benefit, or advantage, am, is, or are in any manner seized or possessed of or interested in or entitled unto, or which I or any other person or persons in trust for me, or for my benefit have or has any power to dispose of, charge, or exercise for my benefit or advantage.	
Excepted articles ...	Excepted articles, and the value thereof. Give a full description of the excepted articles and their value.	

The schedule to be signed by the Insolvent, and witnessed by his Vakeel or Attorney.

A similar form must be adopted in the case of a joint schedule.

SCHEDULE (D.)

Form of Petition for adjudication of insolvency.

FORM No. 1.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble petition of of

Showeth,—

That on or about the day of the said [*here state the time and place of the charge in execution or commitment of the prisoner, and the amount of the debt or sum of money for which the prisoner shall have been so charged in execution or committed*].

That your Petitioner is desirous that the said prisoner should be dealt with according to the provisions of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an act of insolvency, pursuant to the provisions of the Act for the relief of Insolvent Debtors in British Burmah, and that the proper order may thereupon be made.

And your Petitioner, &c.

FORM No. 2.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble petition of of

Showeth,—

That late of (heretofore and up to carried on the trade or business of at), and thereby, as your petitioner is advised, became a trader within the meaning of the Bankrupt Laws.

That on or about the day of the said [*here state shortly the act or acts of insolvency relied on*], whereby, as your petitioner is advised and believes, the said is liable to be adjudged to have committed an act of insolvency.

That at the time aforesaid the said was and now is indebted to your Petitioner in the sum of Rs. [*state for what the party is indebted, as* for Goods sold and delivered, &c.]

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an act of insolvency, pursuant to the provisions of the Act for the relief of Insolvent Debtors in British Burmah, and that the proper order may thereupon be made.

And your Petitioner, &c.

NOTE.

The blanks must be filled up, and the parts within brackets varied or supplied, as the case may require.

A similar form must be used in the case of a joint Petition.

SCHEDULE (E.)

Form of Petition for discharge in the nature of a certificate of an Insolvent not a trader.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble Petition of the said Insolvent

Showeth,—

That on or about the day of [*the circumstances to be stated shortly*].

That the estate of your Petitioner has realized one-third of the amount of the debts established in this Court in the matter of the said insolvency [*or*, that the major part in number and value of the creditors of your Petitioner, contained in the said schedule, or who have since established their debts in this Court, have consented to the discharge of your Petitioner from all further liability in respect of his aforesaid debts, provided that this Court shall so order], as appears by the schedule annexed to this Petition, to which your Petitioner craves leave to refer.

That your Petitioner is desirous of obtaining a discharge in the nature of a certificate under the provisions of the said Act.

Your Petitioner therefore humbly prays, that he may be discharged from all liability in respect

of such debts, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The blanks must be filled up, and the parts between brackets varied, as the case may require.

The schedule to contain a copy of the original schedule, and of the debts proved since, if any, and the consents of the creditors must be signed by them, or their Vakeels or Attorneys specially authorized.

SCHEDULE (F.)

Form of Petition for discharge in the nature of a certificate of an insolvent trader.

In the Court for the relief of Insolvent Debtors.

In the matter of an insolvent trader.

To the Honourable the Commissioner of the said Court.

The humble Petition of the said Insolvent

Showeth,—

That your Petitioner, prior to his insolvency, hereinafter mentioned, carried on the trade or business of and thereby became a trader within the meaning of the Bankrupt Laws.

That on or about the day of your Petitioner petitioned for his discharge, under the Act for the relief of Insolvent Debtors in British Burmah, [*or* was adjudged by this Court to have committed an act of insolvency].

That on or about the day of your Petitioner duly filed his schedule in this Court, and that your Petitioner is desirous of obtaining a discharge in the nature of a certificate under the provisions of the Act relating to Insolvent Debtors in British Burmah; and he therefore humbly prays that all necessary directions may be given for that purpose, and that your Petitioner may, by the order of this Court for his discharge in the nature of a certificate, be discharged from all liability in respect of the debts or claims established, or which might by law be proved in this Court, in the matter of his insolvency.

And your Petitioner, &c.

NOTE.

The Petitioner must annex to this Petition a copy of his schedule and include all debts established, though not included in the schedule as originally filed.

The blanks must be filled up, and the parts between brackets varied, as the case may require.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill, which has been prepared on the recommendation of the Chief Commissioner of British Burmah and at the request of the local mercantile community, is to constitute Courts for the relief of Insolvent Debtors in the towns of Rangoon, Moulmein and Akyab. It has been founded on the Statute 11 and 12 Vic., Cap. 21 (*An Act to consolidate and amend the laws relating to Insolvent Debtors in India*), but omits certain provisions which the Indian Legislature is unable to make: and introduces the modifications called for by the peculiarities of the Burmese Recorders' Courts, the tribunals by which the proposed measure will be administered.

The principal of those modifications are the following:—

It will probably be for many years inexpedient to appoint a separate Recorder for each town: the Bill therefore empowers the Registrar, who will be permanently resident in each town, to exercise the summary powers of the Court.

Where the Registrar makes an order, the appeal will be in the first instance to the Recorder, and, to ensure uniformity of practice, the procedure on application to the Registrar is regulated by reference to the Bill now before the Council, to amend Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Rangoon, Moulmein and Akyab*).

A decree given to the Assignee is placed on the same footing as if obtained in the High Court.

The powers of the Recorder respecting the dismissal of the Officers of his own Court being limited, confusion might arise from giving him larger jurisdiction over the Insolvent Court Officers. His powers over the latter Officers have therefore been limited.

The operation of the Bill, should it become law, will commence in Rangoon and Moulmein on the 1st February 1866, and in Akyab so soon as a Recorder of Akyab shall be appointed under the provisions of Act No. XXI of 1863.

H. S. MAINE.

The 20th November 1865.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (*Legislative*).

HOME DEPARTMENT.

NOTIFICATION.

MILITARY SECRETARY'S OFFICE,
Govt. House, 24th November 1865.

The Levee and Drawing Room of their Excellencies the Viceroy and Lady Lawrence, announced for the 1st December, is unavoidably postponed.

By Command,

SEYMOUR BLANE, *Lieut. Col.*,
Mily. Secy. to the Viceroy.

The following Notification is published in supersession of Notification No. 1331, dated Simla, the 25th August last, published in the *Gazette of India* of the 26th idem, page 940 :—

No. 4366.

Fort William, the 22nd November 1865.

JUDICIAL.

Until the Governor General in Council shall otherwise provide, under the powers conferred by the Act XXVIII Vic., Cap. 15, all jurisdiction formerly exercised by the Supreme Courts of Calcutta, Madras, and Bombay, respectively, over the inhabitants of such parts of India as may not be comprised within the local limits of the Letters Patent issued under the Act XXIV and XXV Vic., Cap. 104, establishing High Courts at Fort William, Madras, and Bombay, shall, subject to the provisions of the said Letters Patent, be exercised by such High Courts respectively; to the intent that the jurisdictions exercised by the said High Courts respectively at the time of the coming into operation of the said first mentioned Act shall thenceforth, until such other provision as aforesaid, continue and be maintained.

No. 4378.

Fort William, the 20th November 1865.

NOTIFICATIONS.

Mr. J. M. Berrill, District Superintendent of Police, Chindwarrah, in the Central Provinces, has obtained one month's privilege leave of absence from the 24th November 1865, or such date as he may avail himself of the same.

No. 4380.

Raojee Rajaram, Naib Tehseeldar of Boorhanpore, Nimar District, Central Provinces, is invested with the powers described in Section 6 of Act XIV of 1865, to be exercised within the limits of the Boorhanpore Tehseelee.

No. 4382.

Madho Rao Pandoorung, Naib Tehseeldar of Kampta, Zillah Bhundara, in the Central Provinces, is invested with the powers described in Section 6 of Act XIV of 1865, to be exercised within the limits of the Kampta Tehseel.

No. 4384.

Mr. J. H. Bax, Civil Service, has reported his return to India per Steam Ship "Simla," which reached the Sandheads on the 9th instant.

No. 4385.

Major R. H. M. Aitken, v. c., Inspector General of Police in Oudh, returned, on the afternoon of the 5th instant, from the leave granted to him in Notification No. 1101, dated the 17th of August last.

No. 4386.

In continuation of Notification No. 2714, dated the 24th of March, the following Circular is published for general information :—

The "list of Medals" mentioned in para. 1 is that which was published in the above-mentioned Notification.

ROYAL HORTICULTURAL SOCIETY.

SOUTH KENSINGTON, W.
September, 1865.

SIR,—I beg to call your attention to the annexed list of Medals to be awarded at the International Exhibition of Fruit and Vegetables, to be held in these Gardens, from the 9th December to the 16th December next, inclusive.

Several questions have been asked, with regard to the manner in which fruits that will not bear a journey, are to be exhibited—in answer, I am desired to say, that such fruits may be preserved in sugar, spirits, vinegar, or in such other manner as in the opinion of the Exhibitor will be most convenient.

Wild Fruits and Vegetables will be admissible as representative collections of the country from which they come. All packages must be addressed to the care of the Garden Superintendent, Royal Horticultural Society, South Kensington, London.

I am desired especially to request, that intending Exhibitors will make known their intentions as early as possible to the Assistant Secretary—forwarding full particulars of the object they desire to exhibit.

I have the honor to be,
SIR,
Yours obediently,
J. COCKERELL,
Assistant Secretary.

No. 4388.

The 21st November 1865.

The Governor General in Council is pleased to permit the Hon'ble C. Steer to resign the Civil Service from the 23rd instant.

No. 4391.

The 22nd November 1865.

Kassim Alee, Tehseeldar of Nursingpore, in the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 1st Class, described in Section 22 of Act XXV of 1861 within the limits of his Tehseelee.

No. 4393.

The Governor General in Council is pleased to re-attach to the North-Western Provinces, the Punjab, and Oudh, Mr. Joseph Sladen, of the Civil Service, who returned from furlough on the 9th instant.

No. 4394.

The 23rd November 1865.

Assistant Surgeon J. McNeal Donnelly, Civil Surgeon of Mergui, has obtained two months' privilege leave of absence, with effect from the afternoon of the 30th September 1865, when he made over charge of his duties to Native Doctor Noor Khan.

No. 4396.

The Right Reverend the Lord Bishop of Calcutta has granted a second month's privilege leave to the Reverend J. E. Tandy, Chaplain of Lucknow Cantonment, in extension of the leave gazetted on the 11th of October.

No. 4400.

The services of Mr. J. W. Neill, of the Civil Service, reported qualified for the Public Service, are placed at the disposal of the Foreign Department.

No. 4402.

The 24th November 1865.

The under-mentioned gentlemen, appointed by the Secretary of State for India Members of Her Majesty's Civil Service, on the Bengal Establishment, reported, on the 10th instant, their arrival at the Sandheads on the 9th idem:—

Mr. Spencer Faithorne Arthur Smith,
" Alexander Robinson,
" George Emmanuel Low:—

and Mr. William Thaine, appointed a Member of the same Service, reported, on the 11th instant, his arrival at the Sandheads on the 9th idem.

No. 4403.

Captain B. W. Ryall, District Superintendent of Police, Lucknow, is granted two months' privilege leave, under the rules applicable to Military Officers in Civil employ, with effect from the afternoon of the 1st instant.

No. 4405.

Mr. J. W. Neill, a Junior Civil Servant, having obtained a Certificate of High Proficiency in Sanskrit, has been presented with the authorized donation of Rs. 800.

No. 4406.

Captain M. Proctor, District Superintendent of Police, Sultanpore, Oudh, availed himself, on the afternoon of the 14th of October, of the leave granted to him under date the 24th idem.

No. 4408.

Lieutenant W. Hamilton, District Superintendent of Police, Oomrawuttee, in the Hyderabad Assigned Districts, made over charge of his Office to Mr. H. W. Bowen on the afternoon of the 14th October.

No. 4410.

Lieutenant R. A. Cole, Cantonment Magistrate and Superintendent of Police, Bangalore, has been granted privilege leave of absence for two months, from the 23rd October 1865.

No. 4412.

Lieutenant R. A. Cole, Cantonment Magistrate, Bangalore, made over charge of the Police Court, on the afternoon of the 23rd October, to Captain W. Hill.

E. C. Bayley,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

Judicial.

No. 430.

The 22nd November 1865.

A Commission of the Peace was issued from the High Court of Judicature in Bengal, on the 27th February last, directed to the under-mentioned Officer serving in the Province of Coorg:—

William Hobart Kerr, Superintendent of Coorg.

Revenue.

No. 464.

The 23rd November 1865.

Whereas it appears to His Excellency the Viceroy and Governor General in Council that land is required to be taken up by Government at the public expense, for a public purpose, viz., for Cholera Encampments for European Troops, it is hereby notified that land as detailed below will be required:—

District.	Mouzah.	Acres.	Roods.	Poles.
Jubbulpore ...	Betta ...	49	1	0
Ditto ...	Adhaital ...	25	3	32
	Total ...	75	0	32

This declaration is made under Section II, Act VI of 1857.

Military.

No. 355.

The 24th November 1865.

Lieutenant W. Battye, Adjutant of the Meywar Bheel Corps, is granted 30 days' leave of absence, from the 15th proximo, or from the date on which he may avail himself of it, to proceed to Bombay, preparatory to applying for furlough to Europe on medical certificate.

General.

No. 2223.

The 21st November 1865.

Mr. R. M. King, Deputy Commissioner and Settlement Officer, Pertabgurh, returned, from the

privilege leave granted to him in G. O. G. G. No. 1540, dated 22nd July last, and resumed charge of his Office on the afternoon of the 1st instant.

No. 2225.

Dr. J. McL. Pemberton, Presidency Surgeon, Hyderabad, availed himself, on the evening of the 2nd instant, of the privilege leave granted to him in G. O. No. 2124, dated 25th ultimo.

No. 2227.

Major J. A. Wright resumed charge of the Gwalior Treasury, from Major A. R. E. Hutchinson on the 2nd instant.

No. 2234.

The 22nd November 1865.

Major J. Puckle, Deputy Superintendent, 3rd Class, Mysore, reported his return to India from leave to Europe on the 28th ultimo, and his arrival at Bangalore on the afternoon of the 31st idem.

No. 2236.

Mr. R. Temple, Chief Commissioner of the Central Provinces, returned to India on the 29th ultimo, and resumed charge of his Office from Mr. J. S. Campbell on the forenoon of the 6th instant.

No. 2244.

The 23rd November 1865.

Moung H'toon, Extra Assistant Commissioner, British Burmah, returned to his duty on the forenoon of the 26th September last, from the leave granted him in G. O. No. 2057, dated 16th ultimo.

No. 2246.

Lieutenant Plummer, of the Revenue Survey Department, Hyderabad Assigned Districts, has been granted leave of absence from the 19th September to the 21st October 1865, inclusive, to appear before the Examination Committee at Bombay.

No. 2248.

Captain W. Munro, Assistant Commissioner, 2nd Grade, British Burmah, made over charge of the Court and Office at Henzada, to Moung Kyan Doon, Extra Assistant Commissioner, 1st Class, 2nd Grade, on the afternoon of the 24th October 1865, and assumed charge of the Assistant Commissioner's Office and Court at Myanoung, from Mr. W. DeCourcy Ireland, on the afternoon of the 28th idem.

No. 2251.

The 24th November 1865.

Assistant Surgeon J. C. Morrice resumed the Medical charge of the Gwalior Political Agency on the 31st ultimo.

No. 2253.

Wuzeer Hoosain, Officiating Extra Assistant Commissioner in the Settlement Department in Oudh, is appointed to be Extra Assistant Commissioner, vice Mr. R. S. H. Haldane, resigned.

No. 2255.

Captain R. G. Watson, 2nd Secretary to Her Majesty's Legation in Persia, availed himself, on the 6th of June last, of the leave of absence granted to him in G. O. No. 329, dated 28th April last.

W. MUIR,

Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 3041.

Fort William, the 24th November 1865.

NOTIFICATIONS.

Appointment.—Mr. John Gordon to be an Auditor of the Accounts of the Administrator General of Bengal, vice Mr. G. W. Kellner, resigned.

No. 3111.

Mr. L. C. Probyn resumed charge of the Office of Accountant General, Punjab, on the forenoon of the 18th instant.

Mr. W. Clark received charge of the Office of Deputy Accountant General, Punjab, from Mr. A. Anthony, on the forenoon of the same day.

Baboo D. Teagiah, Junior Assistant, Financial Secretary's Office, reported his return from sick leave, and resumed his duties on the forenoon of the 23rd instant.

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 18th November 1865.

No. 1063 *of* 1865.—The services of Lieutenant Colonel J. H. Maxwell, of the Royal Engineers, are placed at the disposal of the Public Works Department.

No. 1064 *of* 1865.—With reference to paragraph 17 of the Resolution of Government in the Financial Department, No. 2695, dated 30th September 1864, on the Report of the Commissioners of Inquiry on the system of Audit and Account pursued in the Military Department, published in the *Gazette of India Extraordinary* of the 13th October 1864, it is hereby notified that His Excellency the Governor General in Council has, on a re-consideration of the subject in the Financial Department, been pleased to direct that the practice of submitting half-yearly Returns of stores with Regiments and Batteries be reverted to for the Bengal Presidency. The order for the substitution of annual for half-yearly Returns is therefore cancelled.

The 20th November 1865.

No. 1065 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Assistant Surgeon Robert Rouse, of the Medical Department, in Medical charge of the 3rd Cavalry Punjab Frontier Force.	For two years, under the new Regulations, embarking at Bombay.

No. 1066 *of* 1865.—The services of Lieutenant Colonel H. C. Adlam, of the Bengal Staff Corps, are placed at the disposal of the Government of Bengal.

No. 1067 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Clement James Griffiths, of the late 72nd Regiment Native Infantry, Quarter Master, 43rd (Assam) Light Infantry Regiment.	For 20 months, under the new Regulations.

No. 1068 *of* 1865.—The services of Lieutenant J. G. Hall, of the Royal Engineers, are placed at the disposal of the Public Works Department.

No. 1069 *of* 1865.—Principal Inspector General John McClelland, Fel. u. c., of the Medical Department, is permitted to retire from the service on a pension of £550 per annum, with the additional pension of £350 per year authorized in the 36th paragraph of Sir C. Wood's letter of the 7th November 1864, published in Government General Order No. 1060 of the 23rd December last, with effect from the date of his departure for Europe by the next Overland Steamer.

No. 1070 *of* 1865.—The under-mentioned Warrant Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Conductor Henry Hobery, of the Ordnance Commissariat Department.	For 18 months.

No. 1071 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Major Holled Wallace Henry Coxe, of the Bengal Staff Corps, Deputy Commissioner, Punjab.	For 20 months.

No. 1072 *of* 1865.—The following promotion by Brevet is made under the operation of Government General Order No. 632 of the 4th August 1864, subject to Her Majesty's approval:—

Brevet.

Corps.	Rank and Name.	Date from which entitled to the rank of Captain.
	To be Captain.	
Late 23rd Native Infantry.	Lieutenant John Bartleman.	20th October 1865.

The 21st November 1865.

No. 1073 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Punjab Frontier Force.

4th Cavalry.

Lieutenant J. O. Underwood, of the Madras Staff Corps, to be Doing-duty Officer, vice Lieutenant W. F. S. Perry, appointed to the 5th Infantry.

No. 1074 *of* 1865.—The following order issued by the Government of Fort St. George is confirmed. The leave to have effect from the 3rd April 1865, the date of Assistant Surgeon FitzGerald's departure from Bengal on the leave granted him on medical certificate in Government General Order No. 284, dated 17th March 1865:—

No. 383, *dated* 31*st October* 1865.—Granting leave to Europe on medical certificate to Assistant Surgeon A. FitzGerald, of the Medical Department.	For 20 months, under the new Regulations, embarking at Madras.

No. 1075 *of* 1865.—His Excellency the Governor General in Council is pleased to promote Store Sergeant T. S. Ranson, attached to the Ordnance Magazine at Aurungabad, to the grade of Sub-Conductor.

No. 1076 *of* 1865.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant Charles Henry Ewart, of the late 25th Regiment Native Infantry, District Superintendent of Police, 3rd Grade, Goordaspore, Punjab.	18th February 1861.

No. 1077 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Lieutenant Hugh Arthur Lewes, late 20th Regiment Native Infantry, Adjutant of the 30th (Punjab) Regiment Native Infantry.	For 2 years, under the new Regulations.

No. 1078 *of* 1865.—Some misapprehension having arisen as to whether Indian allowances are claimable by Officers of the new Royal Artillery or new Line Regiments when taking furlough in India, it is hereby notified that furlough in India or elsewhere can only be granted under precisely the same conditions in regard to pay and reckoning service for pension as if such furlough were taken to Europe, and consequently Indian allowances cannot be passed for any period of such furlough.

2. Leave on private affairs in India for any period exceeding six months will be considered as furlough in India.

No. 1079 *of* 1865.—The promotion of Major and Brevet Lieutenant Colonel Henry Daly, C. B., of the Bombay Staff Corps, to the rank of Colonel in the Army, announced in Government General Order No. 155 of the 10th February last, is to be held to have effect from the 19th, instead of from the 20th July 1864.

No. 1080 *of* 1865.—Major Thomas Charles Darnell, of the Bengal Staff Corps, is permitted to retire from the service on the pension of a Captain, from the 23rd instant.

No. 1081 *of* 1865.—The under-mentioned Officer of the Royal Engineers, who has been placed under orders for duty in the Bengal Presidency, reported his arrival on the date specified opposite to his name :—

	Date of arrival at Fort William.
Lieutenant Frederick Savile Shepherd.	9th November 1865.

No. 1082 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Francis Prickett Spragge, of the Royal Engineers.	For 20 months, under the new Regulations.

The 22nd November 1865.

No. 1083 *of* 1865.—The temporary promotions of Sub-Conductor Tear and Sergeant Smithwick, of the Army Commissariat Department, announced in General Order No. 907 of the 4th ultimo, are to be held to have effect from the 10th August 1865, the date of the departure on sick leave to Europe of Conductor O'Loughlin.

No. 1084 *of* 1865.—His Excellency the Governor General in Council is pleased to appoint the under-mentioned Officers to form a Commission to consider and report upon certain points connected with the Indian Medical Service, in accordance with instructions which will be communicated to the President by the Secretary to the Government of India, in the Military Department :—

PRESIDENT :

J. STRACHEY, ESQ., *Civil Service.*

MEMBERS :

Inspector General of Hospitals H. A. BRUCE, M. D., *Bengal Medical Establishment.*

Inspector General of Hospitals F. S. ARNOTT, M. D., C. B., *Bombay Medical Establishment.*

Lieut. Colonel H. K. BURNE, Bengal Staff Corps.

Assistant Surgeon W. R. CORNISH, *Madras Medical Establishment.*

No. 1085 *of* 1865.—The services of the undermentioned Officers are placed at the disposal of the Foreign Department :—

Lieutenant W. W. Haywood Lieutenant M. F. Coussmaker	Bombay General List, Infantry.

No. 1086 *of* 1865.—The admission to the Bengal Staff Corps of the under-mentioned Officers is to be held to have effect from the 18th February 1861, instead of from the dates previously assigned under the operation of Government General Order No. 721 of 1865, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant R. M. Sewell, of the late 71st Native Infantry, District Superintendent of Police, Punjab.

Lieutenant (Brevet Captain) G. B. C. Simpson, of the late 23rd Regiment Native Infantry, Doing-duty Officer, 14th Bengal Cavalry, now Brigade Major, Meerut.

Lieutenant (Brevet Captain) J. P. Turton, of the late 26th Native Infantry, Wing Officer, 4th Goorkha Regiment.

Lieutenant G. C. Gregory, of the late 58th Regiment Native Infantry, Adjutant, 3rd Goorkha Regiment.

With reference to the foregoing, the promotions of the following Officers to the rank of Captain in the Staff Corps, are to be held to have effect from the dates specified opposite to their respective names, in cancelment of the dates previously notified :—

	To rank as Captain in the Bengal Staff Corps. From
Lieutenant R. M. Sewell ...	16th August 1864.
Lieutenant (Brevet Captain) G. B. C. Simpson	3rd January 1865.
Lieutenant (Brevet Captain) J. P. Turton	14th August 1864.

The 23rd November 1865.

No. 1087 *of* 1865.—The following promotions are made in the Commissioned Grades of the Ordnance Commissariat Department :—

ORDNANCE COMMISSARIAT DEPARTMENT.

Permanent.

Major J. C. Griffith, 2nd Class Commissary, to be 1st Class Commissary of Ordnance. Captain E. Tierney, 3rd Class Commissary, to be 2nd Class Commissary of Ordnance. Lieutenant C. Cowie, Officiating 3rd Class Commissary, to be 3rd Class Commissary of Ordnance.	From the 5th November 1865, in succession to Captain H. R. Brownlow, 1st Class Commissary of Ordnance, deceased.

Temporary.

Captain T. N. Harward, 2nd Class Commissary, to officiate as 1st Class Commissary of Ordnance. Lieutenant A. Walker, 3rd Class Commissary, to officiate as 2nd Class Commissary of Ordnance.	From the 5th Nov. 1865, during the absence on leave of Major Griffith, 1st Class Commissary, or until further orders.

Captain D. J. Welsh, appointed by Government General Order No. 949 of the 17th ultimo, to officiate as 2nd Class Commissary of Ordnance, being borne as Supernumerary in that grade while officiating as Personal Assistant to the Inspector General of Ordnance and Magazines, during the absence on leave of Major Hathorn.

No. 1088 *of* 1865.—The under-mentioned Soldier of Her Majesty's Service is permitted to reside and draw his pay in India as an out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of his pension:—

Private Henry Lamborne, of Her Majesty's 82nd Foot.

No. 1089 *of* 1865.—The under-mentioned Officer has reported his return from England:—

	Date of arrival at Bombay.
Lieutenant D. J. Stewart, General List, Infantry, 1st Doing-duty Officer, 4th Goorkha Regiment.	9th November 1865.

No. 1090 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments:—

PUNJAB FRONTIER FORCE.

3rd Sikh Infantry.

Lieutenant C. J. Griffiths, late 72nd Native Infantry, Quarter Master, 43rd (Assam) Light Infantry Regiment, to be 1st Doing-duty Officer, vice Lieutenant Smith, appointed Quarter Master, 5th Punjab Infantry.

2nd Punjab Infantry.

Lieutenant E. Molloy, of the General List, Infantry, to be 2nd Doing-duty Officer.

The 24th November 1865.

No. 1091 *of* 1865.—Surgeon **J. M. Cuningham**, M. D., is appointed to officiate as Secretary to the Sanitary Commission, during the absence of Surgeon Major J. P. Walker, M. D., on the leave granted to him in Government General Order No. 980 of the 24th ultimo, or until further orders.

No. 1092 *of* 1865.—A vacancy having occurred in the Command of the Agra Brigade by the promotion of Brigadier General P. Harris to the rank of Major General, it is notified that this Command will in future be considered a second Class Brigade, and the Eastern Frontier District will become a Brigade of the 1st Class.

2. This is not to interfere with the temporary arrangements made for the Command of the Troops on the Eastern Frontier in Government General Order No. 900 of the 3rd October last.

No. 1093 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments in the Medical Department:—

Inspector General of Hospitals Henry Alexander Bruce, M. D., to be Principal Inspector General of the Medical Department, with effect from the date of the departure of Principal Inspector General J. McClelland, retired.

Deputy Inspector General of Hospitals John Murray, M. D., to be Inspector General of Hospitals, North-Western Provinces, with temporary rank, until further orders, vice Dr. Bruce.

Surgeon Major Edward Brouncker Thring to be a Deputy Inspector General of Hospitals, with temporary rank, until further orders, vice Dr. Murray.

In accordance with a recent decision of the Right Hon'ble the Secretary of State for India, the following alterations of rank are made in the Medical Department:—

Surgeon Major George Harper (on leave) to be Deputy Inspector General of Hospitals, vice Deputy Inspector General of Hospitals R. B. Kinsey, deceased.

Surgeon Major John Macpherson, M. D., (on leave) to be Deputy Inspector General of Hospitals, vice Deputy Inspector General of Hospitals J. H. Butler, deceased.

The permanent promotions of Surgeon Majors A. H. Cheke and J. Naismith, M. D., to the rank of Deputy Inspector General of Hospitals, notified in Government General Orders Nos. 409 and 634 of the 17th April and 23rd June 1865, are hereby cancelled, and these Officers will retain their position as Deputy Inspectors General of Hospitals, with temporary rank, until further orders.

No. 1094 *of* 1865.—The services of Assistant Surgeon D. Wright, M. D. and A. M., in Medical charge of the Lawrence Military Asylum at Sunawur, are placed at the disposal of the Foreign Department.

No. 1095 *of* 1865.—His Excellency the Governor General in Council is pleased to direct that the Peshawur and Hazara Mountain Train Batteries of the Punjab Frontier Force shall in future be respectively designated.

"The Peshawur Mountain Battery"
"The Hazara Mountain Battery"

of the Punjab Frontier Force.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 405.

Fort William, the 20th November 1865.

NOTIFICATIONS.

With reference to Public Works Department Notification No. 317, dated 4th September 1865, Captain P. St. G. Græme's re-appointment to the Public Works Department, North-Western Provinces, is to have effect from the 2nd September 1865.

No. 406.

In extension of the leave granted to him in Public Works Department Notification No. 318, dated 4th September 1865, Lieutenant E. Harvey, R. E., Assistant Engineer, 2nd Grade, Public Works Department, Central Provinces, is allowed three months' leave of absence on medical certificate to proceed to the Presidency to appear before the Medical Board.

No. 407.

Corporal W. Buckley, of the Madras Sappers and Miners, has been appointed to the Public Works

Department as an Overseer of the 1st Grade, with effect from the 27th October 1865, and posted to Hyderabad.

No. 408.

The under-mentioned passed Military Students of the Thomason Civil Engineering College, are brought on the strength of the Upper Subordinate Establishment of the Public Works Department, as Overseers of the 1st Grade, on probation, with effect from the 1st September 1865, and posted as follows :—

To the North Western Provinces.

Flynn, Sergeant W. J., H. M.'s. 21st Hussars.
Cunningham, Bombardier C., E. Battery, 19th Brigade, Royal Artillery.
Sullivan, Private R., H. M.'s 21st Hussars.
Mollindinia, Private J., Bengal Sappers and Miners.
McKenzie, Private P., H. M.'s 20th Foot.

To the Punjab.

Turner, Gunner J., E. Battery, C. Brigade, Royal Artillery.
Kates, Driver W., 3rd Battery, 24th Brigade, Royal Artillery.

To Oudh.

Henry, Lance Corporal A., H. M.'s 79th Foot.
Downes, Private J., H. M.'s 27th Foot.
McGregor, Private C., H. M.'s 42nd Foot.

To Central Provinces.

Kerr, Lance Corporal C., H. M.'s 51st Foot.
Cousins, Lance Corporal W., H. M.'s 82nd Foot.
Wickens, Bombardier C., B. Battery, 11th Brigade, Royal Artillery.
Walshe, Private E. R., 1st Battalion, H. M.'s 7th Fusiliers.
Johnson, Private J., 1st Battalion, H. M.'s 7th Fusiliers.
Pearson, Private W., H. M.'s 54th Foot.
Herbert, Private J., H. M.'s 101st Foot.

To Rajpootana.

Munro, Corporal J., No. 4 Battery, 25th Brigade, Royal Artillery.
Tuite, 2nd Corporal W., Bengal Sappers and Miners.
Buchanan, 2nd Corporal G., Bengal Sappers and Miners.
Carroll, Bombardier J., E. Battery, 19th Brigade, Royal Artillery.
Howe, Gunner C., 3rd Battery, 24th Brigade, Royal Artillery.
Lee, Private G. C., H. M.'s 34th Foot.

No. 409.

The under-mentioned Overseers of the 1st Grade were posted to the following Divisions of Public Works, with effect from the dates specified :—

To the Seetapore Division, Oudh.

Lance Corporal A. Henry ... 5th September 1865.

To the Fyzabad Division, Oudh.

Private C. McGregor ... 5th September 1865.
Private J. Downes ... 5th September 1865.

To the Malwa Division, Agra and Bombay Road, Rajpootana.

Bombardier J. Carroll ... 25th September 1865.
Gunner C. Howe ... 25th September 1865.

To the Mhow Division, Rajpootana.

Corporal W. Tuite ... 25th September 1865.
Corporal G. Buchanan ... 25th September 1865.

No. 410.

Mr. J. M. Algie, Assistant Engineer, 3rd Grade, Public Works Department, British Burmah, is promoted to Assistant Engineer, 2nd Grade, with effect from the 23rd June 1865.

No. 411.

Sergeant W. Graham, Overseer, 1st Grade, Straits Settlements, is granted six months' leave of absence, on medical certificate, in India, with effect from the date he was relieved of his duties.

No. 412.

Captain E. L. Earle, R. A., is re-appointed to the Public Works Department as an Executive Engineer, 3rd Grade, and posted to the Punjab.

No. 413.

The 21st November 1865.

Baboo Judonath Mookerjee, Overseer, 3rd Grade, Public Works Department, Central Provinces, is removed from the Department.

No. 414.

Public Works Department Notification No. 44, dated 14th February 1865, appointing Mr. J. W. Robertson, C. E., to the Public Works Department, as an Executive Engineer of the 4th Grade, and posting him to the Central Provinces, is cancelled.

No. 415.

Lieutenant S. C. Clarke, R. E., Assistant Engineer, 2nd Grade, Mysore, passed an examination in Canarese on the 28th February 1865, equivalent to the second standard laid down for Hindustani in Government General Order No. 734, dated 9th September 1864.

No. 416.

The 23rd November 1865.

Lieutenants J. G. Hall and G. L. A. Whitmore, of the Royal Engineers, are appointed to the Public Works Department as Assistant Engineers of the 2nd Grade, and posted to the North-Western Provinces.

No. 417.

Lieutenant R. F. Angelo, Executive Engineer, 4th Grade, attached to the 2nd Division Northern Road, Central Provinces, has been transferred to the Executive charge of the Nimar Division, vice Lieutenant E. L. Marryat, resigned.

No. 27 F.

REVENUE—FORESTS.

Mr. C. Chapman, Assistant Conservator of Forests in Oudh, on probation, joined his appointment on the afternoon of the 16th October 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTIFICATION.

In order to facilitate the transfer of the management of the public debt to the Bank of Bengal, which will take effect from the 2nd of January 1866, no Promissory Notes will be received at this Office, either for payment of interest or for renewal, after the 22nd December 1865.

By Order of the Government of India,

R. P. HARRISON,
Comptroller Genl. of Accounts.

FORT WILLIAM ;
LOAN OFFICE,
The 14th October 1865.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office :—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Allahabad Circle Notes for Rupees		1,28,000
Lahore	,, ,,	1,08,360

(Sd.) H. HYDE,
Head Commissioner.

18*th November* 1865.

NOTICE.

Notice is hereby given that, in conformity with Section XV of the Charter (Act IV of 1862), a meeting of the Proprietors of the Bank of Bengal will be held at the Bank on Monday, the 11th December, at 10 A. M., to elect two Directors in the rooms of Messrs. H. Dundas and James Rome, who go out by rotation.

By order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

BANK OF BENGAL ;
CALCUTTA,
22*nd November* 1865.

NOTICE.

Lost in transit to Dacca the half of Government Security Note No. $\frac{A}{1x}$38496, for Rs. 100, payment has been stopped at the Bank of Bengal.

শ্রীপূর্ণচন্দ্র দাষ, মোক্তার।
Mooktear for
Messrs. Robert Watson and Co.,
Berhampore.

NOTICE.

An Exhibition of Arts and Manufactures will be held at Nagpore, from the 26th of December 1865 to the 2nd of January 1866.

Prizes to the amount of Rs. 15,000 will be awarded.

For particulars, apply to the Secretary to the Central Exhibition Committee, Nagpore.

NOTICE.

Whereas it appears that land is required to be taken up at the public expense, for a public purpose, in the District of Lucknow, viz., for a slaughter-house, it is hereby notified that land, to the extent and in the village noted below, is required for the said purpose.

This declaration is made under Section II, Act VI of 1857.

Pergunnah.	Village.	Culturable.	Uncultur-able.	Total quantity of land required.
		B. B. B.		B. B. B.
Lucknow...	Mawaya...	10 5 0	.....	10 5 0

C. W. HUTCHINSON, *Lieut. Col.*, R. E.
Offg. Secy. to Chief Commr., D. P. W.

LUCKNOW,
The 26th October 1865.

NOTICE.

During the temporary absence of Captain William Durham, or till further notice, Captain J. J. Browne will officiate as one of the Surveyors of shipping to this Agency.

GLADSTONE, WYLLIE, AND CO.,
Agents to Lloyds.

CALCUTTA,
23*rd November* 1865.

NOTICE.

Notice is hereby given that the lower Halves of the under-mentioned Government Promissory Notes endorsed by Heeraloll in favor of the Executive Commissariat Officer, Kussowlie, have been lost in transmission from this Office to the Bank of Bengal at Calcutta. An application has this day been made for the issue of new Notes in lieu of those lost :—

4 per cent. Note No. 8142 of 16159 of 1835-36 for Rs. 500
4 per cent. Note No. 7795 of 16651 of 1835-36 for Rs. 500

T. H. SIBLEY, *Major,*
Assistant Commissary General.

EXE. COMMT. OFFICE,
KUSSOWLIE,
4*th November* 1865.

REWARD.

On the evening of the 11th November, a gold watch, value Rs. 225, marked Royal Exchange, James Murray, Maker, and No. 6033, was stolen from the house of Baboo Kristolall Pandey in Gora Bazar. Rs. 25 is offered for the recovery of the same. Apply to the undersigned.

C. JENNINS,
Offg. Dist. Supdt. of Police,
Moorshedabad.

The 14th November 1865.

COMMISSARIAT NOTICE No. 6.

Sealed Tenders will be received by the Executive Commissariat Officers, Dinapore and Hazareebagh, up to 4 P. M. of the 1st December 1865, for the supply of the under-mentioned articles be contract for one year, commencing from 1st February 1866, and will be opened by them in their Offices on the following day at noon in presence of Tendering parties who may choose to attend.

Parties desirous of tendering, will be furnished with all particulars on application to the above Officers.

Rice.
Sugar.
Barrack Bedding.
Hospital Cloth ing.
Cattle Gear.

W. G. SMITH, *Lieut.*,
Sub-Asst. Commy. Genl.

DINAPORE;
EXE. COMMT. OFFICE,
4th November 1865.

JUST PUBLISHED,

Price Ten Rupees.

The Indian Succession Act, 1865, (Act X of 1865,) with a Commentary,

and the Parsee Succession Act, 1865, Acts XII and XIII of 1855 and the Acts relating to the Administrator General,

with Notes,

By Whitley Stokes, Esq., of the Inner Temple, Barrister-at-law, and Assistant Secretary to the Government of India, Legislative Department.

R. C. LEPAGE, & Co., Calcutta.

The Sarawuk, Jaenee, Hindustan Banking and Trading Company, "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, No. 186, OLD CHINA BAZAR.

DIRECTORS:

LALLAH CHEERUNJEE LALL, of Delhi, Banker.
LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.
LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.
LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.
LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.
LALLAH BARROOMULL, of Saharunpore, Zemindar.
PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Casimere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hyderabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demnad, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At 3 months' notice, 3 per cent.
6 do. 4 per cent.
12 do. 5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver, and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the under-mentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 48.



PUBLIC LIBRARY · CALCUTTA

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 2, 1865.

Home Department.

LEGISLATIVE.

The 25th November 1865.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information, by order of His Excellency the Governor-General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor-General of India for the purpose of making Laws and Regulations :—

A Bill to constitute Courts for the relief of Insolvent Debtors in the Towns of Rangoon, Moulmein, and Akyab, in British Burmah.

Preamble.

Whereas it is expedient to constitute Courts for the relief of Insolvent Debtors in the Towns of Rangoon, Moulmein, and Akyab in British Burmah; It is enacted as follows :—

Short title.

1. This Act shall be called "The Burmese Insolvent Debtors' Act, 1865."

Interpretation Clause.

2. In this Act, unless there be something repugnant in the subject or context—

"British India."

"British India" means the territories which are or may become vested in Her Majesty or her successors by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better Government of India :"

"Year."
"Month."

"Year" and "Month" respectively mean a year and month reckoned according to the British calendar :

"Court for relief of Insolvent Debtors."

"Court for relief of Insolvent Debtors," or any words of reference to the same, include each Court for the relief of Insolvent Debtors established under this Act :

"Petition."

Words describing the petition of any Insolvent include the joint petition of two or more Insolvents, and all provisions as to the one shall apply to the other.

"Number."
"Gender."

Words importing the singular number shall include the plural; and words importing the masculine gender shall include females.

"Person."

"Person" includes any Company or Association or body of persons, whether incorporated or not :

"Court."
"Recorder."

And in every town of British Burmah in which this Act shall operate, "Court" shall mean the Court for the relief of Insolvent Debtors established under this Act in such town; and "Recorder" shall mean the Recorder appointed under Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein in British Burmah; and to establish Courts of Small Causes in the said Towns*).

A Court to be holden by the Recorder once a month at least in Rangoon, in Moulmein every two months, and in Akyab every four months.

3. Courts for the relief of Insolvent Debtors shall be holden in every town in which this Act shall operate, so often as may be found necessary by the Recorder or Recorders appointed under the said Act No. XXI of 1863 to hold Courts in such towns respectively.

4. Every Advocate, Vakeel and Attorney entitled to appear, plead, or act under the said Act No. XXI of 1863, shall be entitled to appear, plead or act in any Court for the relief of Insolvent Debtors held under this Act.

Advocates, &c., entitled to appear and plead.

5. The Recorder shall have power from time to time to make rules and orders to regulate the proceedings of the Court for the relief of Insolvent Debtors, and from time to time to vary and add to such rules and orders, and especially to provide in what manner notice shall be given to the creditors of parties applying for relief under this Act, and in what cases besides those mentioned in this Act costs may be awarded, and shall prepare a list of fees to be charged and received by the Officers of the said Court for the relief of Insolvent Debtors, and shall certify and transmit to the Governor-General of India in Council copies of such rules and lists of fees for his approbation, correction, or revision; and other copies of the same shall at all times be fixed in conspicuous places in the Court for the relief of Insolvent Debtors, and no other fee or gratuity shall be received or taken by any Officer, Vakeel or Attorney of such Court except such as shall be specified in such lists.

Power to Recorder to make rules.

6. Every Registrar appointed under the said Act No. XXI of 1863 shall be Registrar of the Court in the town for which he may be appointed Registrar, and the Recorder shall have power from time to time to appoint such other persons as may be necessary to transact the business of the Court, and from time to time to annul all or any of such appointments, and (subject to the provisions of the said Act No. XXI of 1863 respecting the removal of Officers) to remove any of such Officers and to reduce their number; and the Court shall cause to be sealed with the seal of the said Court all such records, proceedings, documents and copies of the same as are hereinafter expressly required to be so sealed and such other records, proceedings, documents and copies of the same as it shall at any time direct, and may adjourn any of its sittings from time to time, and to such time as may be requisite, and shall have power to administer oaths or solemn affirmations, and shall examine all parties and witnesses upon oath or solemn affirmation for the purposes of this Act, and the Court shall have the like powers of issuing commissions to take evidence as now are or may be hereafter possessed by the High Court of Judicature at Fort William in Bengal, and shall have the like powers of compelling the attendance of the Insolvent and all other parties at all times when their attendance may be deemed requisite by the Court, and of all witnesses or any other persons who may be able to give any information respecting the debts, estates and effects of such Insolvent, before the Court or before any Officer of such Court, and of requiring and compelling the production of books, papers, and writings as now are or may hereafter be possessed by the said High Court, or as are given to Commissioners of Bankrupts by an Act passed in the sixth year of the reign of His late Majesty King George the fourth, intituled "An Act to amend the laws relating to Bankrupts"; and the Court shall have power to order any prisoner whose estate shall be vested in any Assignee under the provisions of this Act, or any prisoner who shall be a necessary and material witness in any matter pending in the Court, to be brought before such Court or Officer as often as shall be requisite, which order alone shall be a sufficient authority and protection to the Jailor or Officer or person in whose custody he may be for the production of such prisoner; and the Court shall have the power of fining in a summary way, and of committing until such fine be paid, or of committing in the first instance without fining, all persons guilty of contempt of the same Court, and of fining in a summary way, and of removing, any of the Officers of such Court who shall be guilty of negligence, wilful or unnecessary delay, or other misconduct. Provided always, that the Court shall not have the power of awarding costs against any person, except in cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by any rules which shall be made under the provisions of this Act.

Power to Recorder to remove and appoint Officers and reduce emoluments from time to time.

Records, &c., to be sealed with the seal of the Court.

Power to Court to adjourn sittings and administer oaths, &c.

Recorder to have the same power to issue commissions and compel attendance of Insolvents and production of books, &c., as are possessed by High Court, or as given to Commissioners of Bankrupts under 6 Geo. 4, Cap. 16.

Power to Recorder to order prisoners to be brought up as often as requisite.

Court not to award costs except in certain cases.

7. Any person who shall be in prison within the respective local limits of the jurisdiction of the Recorders' Courts of Rangoon, Moulmein, and Akyab, upon any process whatsoever, for or by reason of any debt, damages, costs or money which such person is solely or jointly with any other liable to pay, or for or by reason of any contempt of any Court whatsoever for non-payment of money only, or of costs taxed or untaxed, either ordered to be paid, or to the payment of which such person would be liable in clearing such contempt, or in any manner in consequence of or by reason of such contempt, or who shall reside within the jurisdiction of any of the Courts constituted under the said Act No. XXI of 1863, and, being indebted on account of any such liability as aforesaid, shall be in insolvent circumstances, may at any time apply by petition to the Court for the relief of Insolvent Debtors within the town where such Insolvent Debtor shall then be, for the benefit of the provisions of this Act, which petition may be in the Form in the Schedule (A) to this Act, or the Schedule (B) to this Act, (as the case may require), with such additions and variations as may be necessary to adapt it to the particular case; and such petition shall be subscribed by the said prisoner, and shall forthwith be filed in the said Court to which it shall be presented; and if any such persons as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by petition, in such manner as is hereinbefore mentioned, and under such joint petition the joint estate and the separate estates

Persons imprisoned for debts may petition the Court for relief according to the Forms in the Schedules to this Act.

of such petitioners shall be dealt with and distributed.

Party petitioning to deliver in a schedule in the Form in Schedule (C).

8. Where any such petition for relief as aforesaid shall be presented by any such Insolvent to the said Court for the relief of Insolvent Debtors, the party presenting the petition, at the same time or within such further time as the said Court may deem reasonable, shall deliver into the Court a schedule in the Form in the Schedule (C) to this Act annexed, or as near thereto as circumstances will admit, containing a full and true description as to all matters and things required to be set forth therein, so far as the same can be described or set forth, and the said Schedule shall be subscribed by such petitioner, and shall forthwith be filed in the said Court.

Upon filing petition, the moveable and immoveable property of petitioner to be vested in Official Assignee as Court shall direct.

9. Upon the filing of any such petition as aforesaid, it shall be lawful for the Court, and the Court is hereby authorized and required to order that all the moveable and immoveable property and effects of such petitioner within British India, except the wearing apparel, bedding and other such necessaries of the petitioner and his family, and the working tools and implements of such petitioner and his family, not exceeding in the whole the value of Rupees three hundred for each petitioner with his family, and all debts due to him, and all the future estate, right, title, interest and trust of the said petitioner in or to any moveable or immoveable property or effects within British India which such petitioner may purchase, or which may revert, descend, be devised or bequeathed, or come to him, and all debts growing due to him before the Court shall have made its order in the nature of a certificate as hereinafter mentioned, do vest in the Official Assignee for the time being of the said Court, and that all books, papers, deeds and writings in any way relating to such petitioner's estate and effects in his possession, or under his custody or control, shall be deposited with such Assignee, and such order shall be entered of record in the Court; and such notice thereof shall be published as the Court shall direct; and such order, when so made, shall by virtue of this Act relate back to and take effect from the filing of the said petition, and shall instantly and without any conveyance or assignment vest all the moveable and immoveable property, effects and debts, as aforesaid, in the said Official Assignee, who shall have full powers for the recovery thereof, and shall hold and stand possessed of the same for the purposes and in manner hereinafter mentioned:

In case, after making vesting order, petition be dismissed, the same to be null and void, but all acts done by any Assignee, &c., under this Act to be held valid.

Provided always, that in case, after the making of any such vesting order, the petition of any such petitioner shall be dismissed by the Court, such vesting order made in pursuance of such petition shall from and after such dismissal be null and void. Provided also, that in case any such vesting order as aforesaid shall become null and void by the dismissal of such petition, all acts theretofore done by any Assignee or other person acting under his authority, according to the provisions of this Act, shall be valid, and no suit shall be commenced against any such Assignee, nor against any person duly acting under his authority, except to recover any property of such petitioner detained after an order made by the Court for the delivery thereof, and demand made thereupon; and until the appointment of an Official Assignee as hereinafter is directed, the Registrar of the Court shall stand and be in the place of the Official Assignee, and this present Clause shall apply and have effect accordingly.

Lying in prison 21 days for debt shall be deemed an act of insolvency on which creditor may petition.

10. If any person who shall be in prison within the respective local limits of the jurisdiction of the Recorders' Courts of Rangoon, Moulmein, and Akyab, charged in execution for any debt or damages, or any costs or sum of money, or committed for or by reason of any contempt of any Court for non-payment of money, or of costs taxed or untaxed, either ordered to be paid or to the payment of which such person would be liable in clearing such contempt, or in any manner in consequence or by reason of such contempt, shall not, within twenty-one days next after such prisoner shall have been so charged in execution or committed as aforesaid, make satisfaction to the creditor at whose suit such prisoner shall have been so charged in execution, or committed for such debt, damages, costs or sum of money, or to the person or persons entitled to the money for non-payment of which such prisoner shall have been in contempt, or to the payment of which such prisoner would be liable in consequence or by reason of such contempt, then and in any of the said cases it shall be lawful for any such creditor or person entitled to such money as aforesaid, to present a petition to the Court for the relief of Insolvent Debtors of the town within which such person shall have been so imprisoned, which petition may be in the Form No. 1 in the Schedule (D) to this Act annexed, with such additions or variations as may be necessary to adapt it to the particular case; whereupon, and upon such petition being duly verified, it shall be lawful for the Court to adjudge that such prisoner has committed an act of insolvency. Provided always, that it shall be lawful for the Court, upon the petition of any person adjudged to have committed an act of insolvency as aforesaid, and upon proof of notice to the creditor upon whose petition such adjudication shall have been made, to revoke or confirm such adjudication.

Court may, upon petition, revoke or confirm adjudication.

Person arrested or imprisoned under a decree applying for discharge may be adjudged to have committed an act of insolvency.

11. If any person who may, within the respective local limits of the jurisdiction of the Recorders' Courts of Rangoon, Moulmein, and Akyab, be arrested under a warrant in execution of a decree for the payment of money or in confinement under a decree, shall apply for his discharge in pursuance of any Act regulating the procedure of Courts of Civil Judicature, it shall be lawful for the Court to which such application shall be made, if it shall think fit, to decline to hear such application, and to adjudge that the person so applying has committed an act of insolvency.

12. If any person who, by 6 Geo. 4., Cap. 16, intituled "An Act to amend the laws relating to Bankrupts," or by the tenth Section of 5 and 6 Vic., Cap. 122, intituled "An Act for the amendment of the law of Bankruptcy," or any other Act now in force or hereafter to be passed, would be deemed a trader liable to become bankrupt, having been arrested or committed to prison for debt, or for or by reason of any contempt of any Court whatsoever, for non-payment of money only, or of costs taxed or untaxed, either ordered to be paid or to the payment of which such person would be liable in clearing such contempt, shall, upon such or any other arrest or commitment for debt or non-payment of money or costs as aforesaid, lie in prison twenty-one days, or having been arrested or committed to prison for any other cause, shall be in prison for twenty-one days after any detainer for debt, non-payment of money or costs as aforesaid, lodged against him and not discharged, or if any such person shall depart from within the limits of the jurisdiction of any of the said Courts established under the said Act No. XXI of 1863 with intent to defeat or delay his creditors, or with the like intent depart from his usual place of business or abode within the said jurisdiction, or make with like intent any fraudulent gift, grant, conveyance, delivery or transfer of any of his lands, tenements, money, goods or chattels, or fraudulently with like intent suffer his lands, money, goods or chattels to be taken in execution or attached, it shall be lawful for any person being a creditor, or for two or more persons being partners in trade and creditors to the amount of Rupees five hundred, or for any two creditors to whom such person shall be indebted to the amount of seven hundred Rupees, or for any three or more creditors to whom such person shall be indebted to the amount of one thousand Rupees, to present a petition to the Court for the relief of Insolvent Debtors of the town within which such person shall have been so imprisoned or have resided at the time of such departure, or of such fraudulent gift, grant, conveyance, delivery, transfer or fraudulent execution, attachment or sequestration, which petition may be in the Form No. 2 in the Schedule (D) to this Act annexed, with such additions and variations as may be necessary to adapt it to the particular case; whereupon, and upon such petition being duly verified, it shall be lawful for the Court to adjudge that such person has committed an act of insolvency: Provided always that it shall be lawful for the said Court, upon the petition of any person adjudged to have committed an act of insolvency as aforesaid, and upon proof of notice to the creditor or creditors upon whose petition such adjudication shall have been made, to revoke or confirm such adjudication.

Parties subject to the Bankrupt Laws lying in prison 21 days, or departing the jurisdiction with intent to defeat or delay their creditors, or with like intent making any fraudulent gift, &c., shall be deemed to have committed an act of insolvency, on which creditors may petition.

Court may, upon petition, revoke or confirm adjudication.

13. Every person who shall have given credit to any trader upon valuable consideration for any sum payable at a certain time, which time shall not have arrived when such trader committed any act of insolvency within the meaning of this Act, may so petition or join in petitioning as is aforesaid, whether he shall have had any security for such sum or not.

Creditor whose demand at the time of act of insolvency is not then due may petition or join in petition.

14. Upon any such adjudication being made as hereinbefore is mentioned, the Court is hereby authorized and required to make the like vesting order as hereinbefore is authorized to be made in the case of a petition by an Insolvent Debtor, which said vesting order shall in like manner be entered of record and notified as is hereinbefore mentioned, and shall, when made, take effect by relation from the filing of the petition on which the adjudication shall have proceeded; and such order shall, when made, vest in like manner all the said property and effects, right, title, and interest, trust and debts of the Insolvent in the Official Assignee, in like manner, and as fully and with the like effect as is hereinbefore mentioned, and which said vesting order shall, in case of the adjudication being for any reason revoked, be thenceforth null and void, in like manner, and with the like effect, and under the same qualifications as hereinbefore is mentioned.

On adjudication of such last mentioned act of insolvency, vesting order to take same effect as where the petition is presented by the Insolvent.

15. Provided always, that after the adjudication of an act of insolvency in any of the cases aforesaid, the Court shall direct the Insolvent to file within a time to be named by the Court, and the said Insolvent is hereby directed and required to file accordingly, a schedule in the form in Schedule (C) to this Act annexed, in the Court by which such adjudication shall have been pronounced; and the Court shall be at liberty to proceed thereupon in like manner as in the case of an Insolvent presenting a petition for relief under this Act.

And Court invested with same powers as if such Insolvent had petitioned.

16. In any case where a petition shall have been presented by an Insolvent Debtor as aforesaid, or an act of insolvency shall have been adjudged to have been committed as aforesaid, it shall be lawful for the Court, after the filing of the schedule required by this Act, if, under the circumstances, it shall appear proper, to make an interim order for the protection of the Insolvent from arrest, and any such order may apply either to all the debts or liabilities mentioned in the said schedule, or to any of them, as the Court may think proper, and may commence and take effect at such time as the Court shall direct; and any such order may be recalled and may be renewed as to the Court may appear proper; and any such order, when so made, shall protect the person to whom it shall be given from being arrested or detained in prison for any debt or liability to which such order shall apply within the limits of the towns of Rangoon, Moulmein, and Akyab respectively, or any other place in British India, and any person arrested or detained contrary to the tenor and effect of any such order shall be entitled to his discharge out of custody upon application to any Court or Judge which or who shall have power to set at large persons illegally detained in custody under the process by virtue of which such person shall have been

Powers of Court to grant interim order for protection of Insolvents.

arrested or be so detained. Provided always, that no such order shall operate as a release or satisfaction of the debt or demand of any creditor, nor prejudice the right of any such creditor to arrest the Insolvent, whether he shall or not have been previously arrested for the same debt or demand, in case the order shall be recalled, or shall fall by reason of the petition of the Insolvent being dismissed, or the adjudication being reversed.

Such order not to operate as a release, &c., in certain cases.

17. As soon as this Act shall come into operation, there shall be appointed by the Recorder at each of the said towns one person to each Court for the relief of Insolvent Debtors in each of the said towns respectively, to be the Official Assignee in all insolvencies, to be prosecuted in the said Court after this Act shall take effect, and every such Official Assignee shall at all times be, by virtue of such his appointment, and without any other assignment, an Assignee of every such Insolvent's estate and effects, together with any other Assignee or Assignees, or solely, according as there may or may not be then or afterwards any other Assignee or Assignees of such estate or effects.

Recorder to appoint an Official Assignee for each Court.

18. Every such Official Assignee shall give such security, and shall be subject to such rules, and shall act in such manner, as the Recorder shall direct by any rules and orders to be transmitted to the Governor-General of India in Council, for his approbation, correction or revision; and all the moveable property and effects, and the rents and profits of all immoveable property, and the proceeds of sale of all the estate and effects of the Insolvent, shall in every case be possessed and received by such Official Assignee alone, save where it shall be expressly directed by the Court to be possessed and received by such Official Assignee and the special Assignee or Assignees (if any), which the said Court shall have power, if it think fit, to direct; and in all cases of such receipt and possession shall, within seven days, be paid, delivered, or transferred by such Official Assignee, or such Official Assignee and other Assignee or Assignees, as aforesaid, to, and be kept in deposit in such public Bank or other safe place of deposit, and be managed and dealt with as the Recorder shall have directed or may direct by any rules or orders to be transmitted to the Governor-General in Council for approbation, correction or revision in manner aforesaid.

Official Assignees to give security, and be subject to rules made by Recorder.

Insolvents' estates to be received by Official Assignee alone, except when directed by the Court to be otherwise.

19. At any time after the making of any such vesting order as aforesaid, or after any such adjudication of insolvency as aforesaid, if any creditor or creditors of any such insolvent trader as aforesaid shall be desirous that an Assignee or Assignees of the Insolvent's estate and effects shall be chosen by the creditors, he or they shall be at liberty to apply in writing, by petition to the Court, that such election shall take place; and thereupon a time and place for such election shall be appointed by the Court; and all creditors whose debts amount to one hundred Rupees and upwards, who shall be included in the schedule as creditors, or who shall have proved their debts, shall be entitled to vote in such choice, and the choice shall be made by the major part in value of the creditors so entitled to vote; and the person or persons so elected shall be appointed by the Court a special Assignee or special Assignees of the estate of the said Insolvent; provided that any creditor shall be at liberty to give notice to any other person whose name is included in the schedule of the Insolvent as a creditor, but who shall not have proved his debt, to prove his debt before he shall be admitted to vote on such election, and in such case such party shall not be entitled to vote until he shall have proved his debt.

On application of creditors, after vesting orders, &c., Court may order an election of Assignees by the creditors.

20. The Recorder sitting as Judge of the Court may, at any time, in case of the unwillingness to act, removal from out of the jurisdiction of the Court, incapacity or misconduct of any Official Assignee, or of any Assignee appointed by the Court on the election of the creditors, or for any other cause appearing to such Recorder sufficient, by his order annul such appointment, and thereupon, or in the case of the death of any such Official Assignee or other Assignee, another shall be appointed; provided that if it be the case of a chosen Assignee such appointment shall not be made unless some creditor or creditors shall apply in writing, by petition to the said Court, that an election of another person as Assignee may be had, and thereupon the Court shall proceed in all respects in like manner, and such election shall be made, conducted and declared in all respects in like manner, as is hereinbefore directed as to the election of Assignees by creditors, and no act or thing done prior to the order whereby such appointment is so vacated shall be annulled or in any way affected.

Power of Court to remove Assignees.

Mode of appointing or electing others.

21. No remuneration whatever, whether in the shape of commission or otherwise, shall be received by any Assignee, except in the manner nor beyond the extent hereinafter allowed; (that is to say) the Recorder sitting as Judge of the Court may allow a fair remuneration to the Assignee or Assignees out of the sum to be distributed as dividends, and make an order accordingly. Provided always, that such Recorder shall not have power to order any remuneration to be made to any Assignee or Assignees chosen by the creditors, unless the creditors shall at the time of the election declare that some remuneration is to be made to the Assignee or Assignees chosen by them, and at what rate such remuneration is to be made, and in such case such Recorder shall have power to reduce, but not to increase, the amount of such last mentioned remuneration.

No remuneration to be received by Assignee, except as herein provided.

22. On every appointment of a new Assignee, the estate, effects, rights and powers which would otherwise remain or be in the former Assignee or Assignees shall immediately, by virtue of such appointment, and without any conveyance or assignment in any case whatever, vest in the actual Assignee or Assignees, in trust for the benefit of the creditors of such Insolvent, in respect of and in proportion to

Estate to vest, without conveyance or assignment, in new Assignee.

their respective debts, according to the provisions of this Act; and all books, papers, deeds and writings in any way relating to the estate and effects of the Insolvent shall be transferred to and deposited with such Assignee or Assignees as last aforesaid, and from time to time, on each change of Assignees, shall be transferred to the possession of the Assignee or Assignees for the time being of such Insolvent; and the Recorder sitting as Judge of the Court shall have power to compel any Assignee or Assignees whose appointment may be vacated, or the heirs, executors, administrators, or assigns of any person once appointed such Assignee and deceased, to account for and deliver up all such estates and effects, books, papers, writings, deeds and all other evidences relating thereto, as shall have come to his or their hands, and the decision of the Court thereupon shall be final and conclusive. Whenever any Assignee shall die, or be removed from his office, and any other Assignee or Assignees shall be appointed as aforesaid, no suit brought or defended by him or them in the character of Assignee or Assignees shall be thereby abated, but upon the suggestion of each such death, removal or new appointment, such suit shall be prosecuted or defended in the name of the existing Assignee or Assignees, and any moveable and immoveable property, money and effects, vested in or possessed by any Official Assignee, shall not remain in him if he shall resign or be removed from his office, nor in his heirs, executors, or administrators in case of his death, but shall in every such case go to and be vested in his successor in office, by relation, from the time of his resignation, removal or death, as the case may be. Every such appointment of any Assignee other than the Official Assignee shall be entered of record of the said Court, and such notice thereof shall be published as the said Court shall direct. Every such Assignee so appointed shall be liable to the control of the Court, in like manner as any Officer of the said Court.

Power of Assignees.

23. Every such Assignee as aforesaid shall with all convenient speed take possession, by himself, or by means of messengers of the Court, or by other fit and proper persons, of all the moveable and immoveable property and effects of the Insolvent of which immediate possession may be obtained, and shall use his best endeavours to seize, obtain, recover and reduce into possession, as speedily as possible, the rest of such property and effects, and all debts, claims and things in action, which by virtue of his appointment under this Act, and of the vesting order or adjudication aforesaid, he shall have been empowered to obtain, recover and get in.

After vesting order, no distress for rent previously due shall be made, but landlord to prove for the amount.

24. After any such vesting order shall be made as aforesaid, no distress for rent due before such vesting order shall be made upon the goods and effects of the Insolvent; but the landlord or party to whom the rent may be due shall be entitled to prove, in respect of such rent, whether the same shall or not be inserted in the schedule of the Insolvent, and to receive a dividend in respect of the said rent, and shall not, unless the petition of such Insolvent be dismissed or the adjudication be reversed, be entitled to distrain for the said rent.

Property in the order and disposition of Insolvent to be deemed his property.

25. If any such Insolvent shall, at the time of filing his petition, or at the time of filing of the petition on which an adjudication of insolvency shall be made, by the consent and permission of the true owner thereof, have in his possession, order or disposition any goods or chattels whereof such Insolvent is reputed owner, or whereof he has taken upon him the sale, alteration or disposition as owner, the same shall be deemed to be the property of such Insolvent, so as to become vested in the Official Assignee of the Court by the order made in pursuance of this Act; provided that no assignment or transfer of any ship or vessel, or any share thereof, made as a security for any debt either by way of mortgage or assignment, duly registered according to the provisions of any Act or Acts of Parliament now in force or hereafter to be passed, for the registering of British vessels, shall be invalidated or affected by reason of such possession, order or disposition of the same as aforesaid.

Mortgages of ships or vessels, or shares thereof duly registered, not to be invalidated or affected.

Fraudulent conveyances, &c., made by Insolvent within two months before insolvency to be void.

26. If any Insolvent who shall file his petition for his discharge under this Act, or who shall be adjudged to have committed an act of insolvency, shall voluntarily convey, assign, transfer, charge, deliver or make over any property, moveable or immoveable, security for money, bond, bill, note, money, property, goods or effects whatsoever, to any creditor or to any other person in trust for or to, or for the use, benefit, and advantage of any creditor, every such conveyance, assignment, transfer, charge, delivery and making over, if made when in insolvent circumstances, and within two months before the date of the petition of such Insolvent, or of the petition on which an adjudication of insolvency may have proceeded, as the case may be, or if made with the view or intention, by the party so conveying, assigning, transferring, charging, delivering or making over, of petitioning the said Court for his discharge from custody under this Act, or of committing an act of insolvency, shall be deemed and is hereby declared to be fraudulent and void as against the Assignees of such Insolvent.

Government stocks, funds, &c, standing in the name of Insolvent to be transferred to the name of Assignee.

27. If any such Insolvent as aforesaid shall at any time before he shall have obtained his discharge in the nature of a certificate hereinafter mentioned be entitled to or possessed of, in his own right, any Government stock, funds or annuities, or any of the stocks or shares in any public Company in British India, it shall be lawful for the Recorder sitting as Judge of the Court, upon the application of any Assignee or any creditor of such Insolvent whose debt or demand against such Insolvent shall have been admitted or established in the matter of the said insolvency, whenever he shall deem fit so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name or names of such Assignee or Assignees as aforesaid; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things

done or permitted pursuant to such order. Provided always, that in all transfers into the name or names of any such Assignee or Assignees, the transferee or transferees shall be described as Assignee or Assignees of the estate and effects of the Insolvent, and no dividend shall be paid to, nor any future transfer made by, any person, of any such stock, funds, annuities or shares, except under a power of attorney, in the usual form required for the receipt of dividends upon or transfer of such stock, funds, annuities and shares respectively, duly executed by such Assignee or Assignees, and attested by two credible witnesses, one of whom shall be an Officer of such Court for relief of Insolvent Debtors, and to which attestation the seal of such Court shall be affixed.

Persons, holding property of Insolvent, except stocks, &c., or indebted to him, to transfer the same and make payment of debts to the Assignee.

28. In case any person shall, after any such Insolvent shall have petitioned for his discharge under this Act, or have been adjudged to have committed an act of insolvency, and before the said Insolvent shall have obtained his discharge in the nature of a certificate as hereinafter mentioned, be possessed of or have under his power or control any property whatsoever of such Insolvent, other than any such Government stock, funds or annuities as aforesaid, or other than any of the stock or shares in any public Company within British India, or to which such Insolvent may be in any way entitled, either under any trust, express or implied, or otherwise held for his use and benefit, or in case any such person shall be at any such period indebted to such Insolvent, it shall be lawful for the Court, upon the application of any Assignee or any creditor of such Insolvent whose debt or demand shall have been admitted or established in the matter of the said insolvency, to cause notice to be given to such person, directing him to hold and retain the said property till the Court shall make further order concerning the same; and thereupon it shall be lawful for the Recorder sitting as Judge of such Court further to order such person to deliver over such property, and to pay such debts as aforesaid or any part thereof, to the Assignee or Assignees of the estate and effects of such Insolvent, for the general benefit of the creditors of such Insolvent; and such delivery and payment shall be made accordingly in obedience to such order, and such person shall by such payment and delivery, so made in pursuance of such order of such Recorder, be discharged in respect of such property and debts against all persons whatsoever.

Offices, &c., held by Insolvent, if unsaleable, may be charged with proportionate payment to Assignee; if saleable, shall vest in Assignee.

29. If any such Insolvent as aforesaid shall, at any time before he shall obtain his discharge in the nature of a certificate as hereinafter mentioned, hold any public office, appointment or benefice, Civil, Military or Ecclesiastical, not saleable, or shall be in any situation or employment whatsoever in respect of which he shall receive any salary or emolument, or shall be in the receipt of any pension, then it shall be lawful for the Recorder sitting as Judge of the Court to order the said Insolvent to pay such proportion of his receipts therefrom to his Assignee as such Recorder shall think right, and all saleable offices, appointments or benefices shall vest, by virtue of the vesting order as aforesaid, in the Official Assignee in trust for the creditors of such Insolvent as aforesaid.

Powers of Assignee, with consent of creditors, to take composition, and to submit disputes, &c., to arbitration.

30. It shall be lawful for the Assignee or Assignees, with the leave of the Court first obtained, upon application to such Court, and by and with such notice to such creditors as it shall think fit to direct, to take such reasonable part of any debts due to the Insolvent as may by composition be gotten, in full discharge of such debts, and to submit to arbitration any difference or dispute between the Assignee or Assignees and any other person or persons for, or on account or by reason of any thing relating to the estate and effects of such Insolvent.

Powers of Assignee to institute and defend actions and suits.

31. It shall be lawful for the Assignee or Assignees, with leave of the Court first obtained, to commence, prosecute or defend any suits which the Insolvent might have commenced and prosecuted or defended, and to defray the costs to which he may be put in respect of such suits out of the proceeds of the estate and effects of the Insolvent; and if there be any partner of the Insolvent who shall not have joined in the petition, it shall be lawful for the Court to authorize the Assignee to join such partner with himself as plaintiff in such suit; and if such partner shall execute any release of the debt or demand for which such suit is brought, the release shall be void: Provided always, that such partner, if he shall take no part in the prosecution or defence of such suit, shall not be liable to pay costs in respect of the same; and it shall be lawful for the Recorder sitting as Judge of the Court, upon the application of such partner, to direct that he may receive so much of the proceeds of such suit as the Court shall direct.

Proviso as to persons in partnership with Insolvent.

All powers vested in Insolvent to be vested in the Assignee for the benefit of the creditors.

32. All powers vested in any such Insolvent which he might lawfully execute for his benefit shall be and are hereby vested in the Assignee or Assignees of his moveable and immoveable property by virtue of this Act, to be executed by such Assignee or Assignees for the benefit of his creditors.

Assignee to make sale of Insolvent's property.

33. The Assignee or Assignees shall with all convenient speed make sales of the property and effects of the Insolvent: Provided nevertheless, that the Court shall have full power and authority, upon the application of any Insolvent or any creditor or mortgagee of such Insolvent, to delay or postpone the sale of any property, and to make such other order respecting the same as to the Court shall seem meet.

Court may delay or postpone the sale.

Discretionary power vested in the Court as to immediate sales of property of Insolvents entitled to annuities, or contingent or uncertain interests therein.

34. And whereas Insolvents may be entitled to annuities for their own lives, or other uncertain interests, or to reversionary or contingent interests, or may have made advances of money for the cultivation of lands, or may be interested

in property in other ways; under such circumstances that an immediate sale and payment of their debts may be very prejudicial to them and to their creditors, and it may be proper in some cases to defer the sale of their property or some parts thereof, and to put it under temporary management, or to authorize the raising of money by way of mortgage or otherwise for payment of the debts or part of the debts of an Insolvent, and for defraying the expenses attending the execution of this Act, instead of selling for such purpose; in all such cases it shall be lawful for the Court at any time to take into consideration all circumstances affecting any property of the Insolvent which shall have been vested under the provisions of this Act, and if it shall appear to the Court that it would be reasonable to make any special order touching the same, it shall be lawful for such Court so to do, and to direct that so much of the said property as it may be expedient not to sell immediately according to the provisions of this Act shall not be so sold, and from time to time to order and direct in what manner such property shall be managed for the benefit of the creditors of such Insolvent, until the same can be properly sold, or until payment of such creditors be effected according to the provisions of this Act, and to make such order touching the sale or disposition or management of such property as to the Court may seem reasonable and beneficial, and upon such terms and conditions with respect to the allowance of interest on debts not bearing interest, or other circumstances, as to such Court shall seem just; and if it shall appear that the debts of any such Insolvent can be discharged by means of money raised by way of mortgage or otherwise on any of the said property of the said Insolvent, instead of raising the same by sale, it shall be lawful for the Court so to order, and to give all necessary directions for such purpose, and generally to direct all things which may be proper for the discharge of the debts of such Insolvent in such manner as may be most consistent with the interest of such Insolvent and of his creditors.

Assignees to keep accounts of the estates of the Insolvents, with liberty for creditors to inspect the same.

35. The Assignee or Assignees shall keep accounts of the property, debts and credits of such Insolvent, whether separate or joint, and of all property of the Insolvent received by him or them, and all payments made by him or them, which accounts any creditor shall be at liberty to inspect at all seasonable times, and it shall be lawful for the Court to summon the Assignee or Assignees before it, and require him or them to produce all books, papers, deeds, writings and other documents in his or their possession relating to the matters of such insolvency, and upon his or their default, it shall be lawful for the Court to issue an attachment or attachments against the party or parties so making default, and to cause such Assignee or Assignees to be brought before it and to commit such Assignee or Assignees to prison until he or they shall submit to the Court by which he or they shall have been summoned.

Penalty on Assignee improperly dealing with Insolvent's estate.

36. If any Assignee shall knowingly retain in his hands for his own benefit, or employ for his own benefit, or knowingly permit any Co-Assignee so to retain or employ any sum, part of the estate of the Insolvent, or shall knowingly omit to invest or pay or deposit any money or other property in the manner in which it may be his duty for the time being, according to law, to invest, pay or deposit the same, every such Assignee shall, besides being liable to be removed therefor from his office of Assignee for misconduct, be liable to be charged in his accounts with such sum as shall be equal to interest at the rate of twelve *per centum per annum* on the amount or value of such money or property, or if any higher interest shall have in fact been made, then to the extent of the interest actually made, and five *per centum per annum* in addition thereto on all such money or property, for the time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed as aforesaid, or during which he shall have so neglected to invest or deposit the same as aforesaid; and the Court is hereby required to charge every such Assignee in his accounts accordingly, and the amount so charged shall constitute a debt from him to such estate; and if any Assignee indebted to the estate of which he is such Assignee in respect of money so retained or employed by him as aforesaid, become insolvent, his discharge under the provisions of this Act shall only have the effect of freeing his person from arrest and imprisonment on account of such debt; but his future effects, excepting the wearing apparel, bedding and other hereinbefore mentioned articles excepted out of the operation of the vesting order aforesaid, and not exceeding the value hereinbefore limited in that behalf, shall remain liable for so much of his debts to the estate of which he was Assignee, as shall not be paid by dividends under such insolvency, together with interest for the whole amount at the rate of five *per centum per annum*.

After petition and schedule filed, and adjudication of an act of insolvency, notice to be given to creditors, and published.

37. After the petition and schedule of any Insolvent shall have been filed in the Court, and after any such adjudication of an act of insolvency shall have been pronounced as aforesaid, the Court shall cause notice thereof to be given to any creditor of the Insolvent at whose suit he may be detained in custody, or the attorney or agent of such creditor, and to the other creditors resident within British India as the Court shall direct; and notice to the like effect shall be twice at least published in the Official Gazette, and the Court in such notice shall appoint a day and place for the hearing by the Recorder sitting as Judge of such Court, of the matters of the petition of such Insolvent, and for hearing any other applications in the matter of the insolvency.

Court in such notice to appoint a day for hearing.

Course of proceeding on hearing.

38. Upon the day so appointed by the Court as aforesaid for such hearing as aforesaid, or on any future day to which such hearing may be adjourned, it shall be lawful for the Insolvent, and for any creditor of the Insolvent, as the case may require, to be heard, either by himself or by Counsel, in support of or in opposition to the petition of the Insolvent, or on any other application relating to the Insolvent or his estate; and it shall also be lawful for the Recorder sitting as Judge of such Court on those or any other occasions, and from time to time as often as occasion may require, to order any Insolvent who is in custody to be brought before him, and to summon any Insolvent who shall not be in custody, and the wife of any Insolvent, and any other person, whether a creditor or not, who may be

known or suspected to have any of the estate or effects of the Insolvent in his or her possession, or any person who may be suspected to be indebted to the Insolvent, or any person who is believed to be capable of giving any information respecting the estate and effects of such Insolvent, or respecting his acts, dealings or conduct, or any information which will more easily enable the Court to dispose of the estate and effects of the Insolvent for the benefit of his creditors; and it shall also be lawful for the Court to examine any Insolvent or his wife or any other such person, whether a creditor or not, in the same way as any other witnesses are examined in the Courts established under the said Act No. XXI of 1863 in any suits, or according to any rules which may be made for the practice of the said Courts for the relief of Insolvent Debtors respectively, or for giving effect to this Act, in the manner which is herein prescribed: Provided always, that every witness summoned to attend before the Court shall have his necessary expenses tendered to him in like manner as is required by the Code of Civil Procedure upon service of summons to a witness in a suit.

Court may admit affidavit instead of personal appearance in case of sickness, &c.

39. In all cases where any creditor or other person shall be prevented or hindered from attending the Court, by reason of sickness or infirmity, or the distance of his residence, or other reasonable cause, to be admitted by the Court, it shall be lawful for the Court to receive the affidavit or solemn affirmation of such creditor or other person, and also, if the Court shall think fit, to permit interrogatories to be filed for the examination or cross-examination of any such person.

Creditor whose name is not included in the schedule may claim and prove his debt, and receive dividends thereon.

40. When any petition shall have been presented under this Act by an Insolvent, or any adjudication of an act of insolvency shall have been pronounced as aforesaid, it shall be lawful for any person to whom any such Insolvent shall be indebted or liable in respect of any debt or demand which would have entitled such person to be inserted as a creditor in the schedule of such Insolvent, to make claim upon the estate of such Insolvent, and to prove his debt or demand, whether due by such Insolvent solely or jointly with any other person or persons; and such persons shall be entitled to and receive a dividend thereon rateably with the other creditors of the said Insolvent, although the name of such creditor may have been wholly omitted by the said Insolvent in his or her schedule, or may have been inserted for a smaller amount than the debt or demand really due to such person; and where any objection to the existence or amount of such debt or demand shall be made by such Insolvent, or any creditor, the Recorder sitting as Judge of the Court shall hear the same, and may make such order thereon as may seem just.

Mutual demands may be set off against each other.

41. When there has been mutual credit given to the Insolvent and any other person or persons, one debt or demand may be set against the other.

All debts, &c., proveable under fiat in Bankruptcy pursuant to 6 Geo. 4, Cap. 16, may be proved under insolvency.

42. All such debts, dues and claims as might be proved under a fiat of Bankruptcy bearing even date with the Insolvent's petition, or the adjudication (as the case may be), according to the provisions of the said Act passed in the sixth year of the reign of His late Majesty King George the fourth, intituled "An Act to amend the law relating to Bankrupts," or any other Statute or Statutes now in force or hereafter to be passed relating to Bankrupts, may also be proved as is hereinbefore mentioned, in the same manner and subject to the like deductions, conditions and provisions, as in the said Statutes are or may be set forth and prescribed.

Power to Court to order dividends to be declared, giving notice of the same.

43. Whenever it shall appear to the Court, either by the accounts of any Assignee or Assignees, or otherwise, to be probable that a dividend may be beneficially made amongst the creditors, it shall be lawful for the Court to appoint a day for the purpose of making a dividend, and to cause notice thereof to be given, in such manner as it shall direct; and on the day appointed the Assignee or Assignees shall deliver in, upon oath or solemn affirmation, as the case may be, a true statement in writing of all money received by him or by them respectively, and when, and on what account, and how the same have been employed; and the Court shall examine such statement, and compare the receipts with the payments, and shall ascertain what balances, if any, have been from time to time in the hands of such Assignee or Assignees respectively; and on the said day all parties interested shall be heard, and all objections to the schedule of the Insolvent, and to the accounts or conduct of the Assignee or Assignees; and any claims of any creditors which shall not have been previously determined shall be heard and determined either by such Court immediately, or on a reference to some Officer of the Court; and it shall be lawful for the Court to examine the Insolvent, the Assignees, and any witnesses, either on oath or affirmation, and either at that time to declare a dividend, and to direct that the same shall be paid by the Assignee or Assignees, or to postpone such declaration or direction of the same until a further hearing, and to make such order as shall be just.

As to payment of dividends out of separate estates to joint creditors, and out of joint estates to separate creditors.

44. Provided always, that it shall not be lawful for the Court to order any dividend to be made amongst the joint creditors out of the separate estate until the separate creditors shall have been paid in full, nor to order any dividend to be made to the separate creditors out of the joint estate until all the joint creditors shall have been paid in full; in which latter case it shall be lawful for the Court to order such dividend to be made among the separate creditors out of such interest in the joint estate as such Insolvent shall appear to be entitled to.

Unless the Court is satisfied that all the estate of the Insolvent is within British India, and all debtors and creditors reside therein, Assignee to reserve one-third part undivided until after twelve months' notice, to be published in the *London Gazette*.

45. Provided always, that unless it shall appear to the satisfaction of the Recorder sitting as Judge of such Court that all the property of the Insolvent is situate, and all the debtors and creditors resident, within British India, then, until the expiration of twelve months from a notice to be published in the *London Gazette* of the petition or adjudication of or against any Insolvent as hereinafter is mentioned, the Assignee or Assignees shall reserve

the full amount of one-third part of all the property of the said Insolvent which shall have been got in, and shall make a dividend amongst the creditors of the said Insolvent to the amount of the remaining two-third parts only, which third part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such way as such Court shall order, and shall not remain in the hands of such Assignee or Assignees; and at the expiration of the said term of twelve months, it shall be lawful for the Assignee or Assignees of such Insolvent to apply to the Court for a return of the said third part so reserved as aforesaid, in order that the same may be so distributed amongst the creditors as to place them all upon an equal footing; and upon such third part so reserved as aforesaid being restored to such Assignee or Assignees, he or they shall forthwith proceed to take an account of the debts of the said Insolvent admitted and established in the Court, and of the sum or sums which shall or may have been paid by way of dividend to any of such creditors, and shall distribute the fund then in the hands of such Assignee or Assignees, so as to place all the creditors of the said Insolvent, whether Indian or British or Foreign, upon a just and equal footing, and so as that every creditor whose debt or claim shall be admitted or established in the Court shall receive a rateable and proportional part of the assets of the said Insolvent according to the amount of his debt, without reference to the time at which such debt shall have been claimed.

At expiration of twelve months such one-third part to be divided.

46. If any creditor whose claim shall have been admitted or established in the Court shall not appear, by himself, his Vakeel, Attorney or Agent, at the making of any dividend, nor shall make application to receive his share thereof, the Assignee or Assignees shall certify the same to the Court at its first sitting after the making of the dividend, and it shall be lawful for the Court to direct in what manner, and by whom, and upon what conditions the money so due to such creditor shall be kept for or paid to him or to his lawfully constituted Vakeel, Attorney or Agent.

If creditors do not appear to claim dividend, Court may order payment or deposit thereof, in such way as it shall see fit.

47. If any Assignee or Assignees shall neglect to pay any dividend which shall have been ordered by the Court, or in any other respect shall neglect or commit any breach of his or their duty as Assignee or Assignees, it shall be lawful for the Court, having first summoned the Assignee or Assignees to appear before it and answer the same, to order the payment of such dividend, with interest at such rate as the Court shall award, not exceeding eight *per centum per annum*, and to order the Assignee or Assignees to make such compensation to any party injured by such neglect or breach of duty as to the Court shall seem fit, and in default of obedience thereto to commit such Assignee or Assignees to the common Jail, there to remain without bail until he or they shall obey the order of the Court, and to levy by distress and sale of the offender's goods as much as shall be sufficient to satisfy the order of the Court.

Power of Court over Assignees neglecting to pay dividends or committing breach of duty as such Assignees.

48. If it shall appear to the Court that any such Insolvent as aforesaid is indebted to any servant or clerk of such Insolvent in respect of wages or salary of such servant or clerk, it shall be lawful for the Court to order so much as shall be due as aforesaid, not exceeding six months' wages or salary, to be paid to such servant or clerk out of the estate of such Insolvent, and such servant or clerk shall be at liberty to prove and receive dividends for any sum exceeding such last-mentioned amount.

Court may award wages, &c., to servants or clerks, not exceeding six months, with power to prove for any sum beyond the same.

49. Upon application to the Court for that purpose, it shall be lawful for the Recorder sitting as Judge of the Court to declare that the Insolvent is entitled to his personal discharge under this Act, and to order the same accordingly. Such order of discharge shall have the effect of protecting his person from arrest in respect of all demands inserted in his schedule or established in the same Court. If such Insolvent be in custody, it shall be lawful for the Recorder sitting as aforesaid to order his immediate discharge from custody accordingly, or to dismiss or give leave to amend the petition aforesaid, or to order the Insolvent to amend his schedule, or to adjourn the hearing until a future day, or to make a reference to some Officer of the Court to make inquiry into any matter of account, or into the truth of the schedule or schedules, and to report thereon to the Court; and it shall also be lawful for such Recorder to remand the Insolvent to prison, if a prisoner, until a further hearing or until a further time to be named in such order, or to commit the Insolvent to custody for any debt or demand, if he shall not be in custody at the time of the hearing, and to cancel or renew any such order as is hereinbefore mentioned, which may have been given for the purpose of affording interim protection to the Insolvent from arrest, and to order and direct that the Assignee shall make some reasonable allowance for maintenance of the Insolvent until final order, the amount of which shall be fixed by such Recorder, and shall not exceed five Rupees per week; and the Court by which any order of discharge shall be made upon any such hearing as is hereinbefore mentioned, shall by such order direct that the Assignee shall give such notice of such order as to the Court shall seem fit.

Court may, by order of discharge, protect Insolvent, or discharge from custody, or dismiss, &c., petition, or order to amend schedule, or adjourn the hearing, &c.

Court may remand Insolvent to prison, &c., and order an allowance for maintenance.

50. The discharge of any such Insolvent as aforesaid shall and may extend to any sum or sums of money which shall be payable, by way of annuity or otherwise, at any future time or times, by virtue of any bond, covenant or other security whatsoever, and to any sum or sums of money payable at a certain time, which time shall not have arrived at the time of the act of insolvency or petition of such Insolvent; and every person who would be a creditor of such Insolvent for such sum of money, if the same were

Discharge to extend to any sums payable by Insolvent by way of annuity at any future time, &c.

Persons who would be creditors, if monies were presently due, entitled to benefit of provisions of this Act.

presently due, shall be admissible as a creditor of such Insolvent for the value of such sum of money so payable as aforesaid, which value the Court shall, upon application at any time made in that behalf, ascertain; and such creditor shall be entitled in respect of such value to the benefit of all the provisions made for creditors by this Act, without prejudice, nevertheless, to the respective securities of such creditor, excepting as respects such Insolvent's discharge under this Act, and the discharge by virtue of this Act as to any debt or demand of any creditor of the Insolvent shall be deemed to extend also to all costs incurred by such creditor before the insolvency in any suit for the recovery of the same, and to any process of contempt for enforcing the same, and to all costs which the Insolvent would be liable to pay in clearing such contempt; and all persons as to whose demands for any such costs as aforesaid the discharge of the Insolvent is so to extend shall be deemed creditors of the Insolvent in respect thereof, and entitled in respect thereof to the benefit of all the provisions made for creditors by this Act, subject nevertheless to ascertaining the amount of such demands by taxation or otherwise.

Discharge to extend to costs incurred before insolvency.

51. If after the filing of any Insolvent's schedule in the Court and before such Insolvent shall obtain his discharge in the nature of a certificate hereinafter mentioned, any suit shall be pending against the Insolvent, his heirs, executors or administrators, in any Court in British India, or any execution or process shall be sued out or issued from any such Court, or be enforced against such Insolvent, his heirs, executors or administrators, for or in respect of any debt or demand admitted in the schedule of the Insolvent or disputed as to amount only, the said Court in which such suit shall be pending, or from which such execution or process as aforesaid shall issue, on proof to its satisfaction that such suit, execution or process, is in respect of the debt or demand aforesaid, may stay the proceedings in such suit so far as the same respects the said debt or demand, until further order of the said Court, and may set aside or suspend such execution or process, so far as the same respects the said debt or demand, until further order of the said Court as it shall think fit; and in such case the plaintiff shall pay all costs reasonably incurred by such Insolvent, his heirs, executors or administrators by reason of such proceedings, and such execution and process as aforesaid subsequent to such plaintiff's having notice of his debt or demand being included in such schedule as aforesaid: Provided always, that no prisoner whose estate shall by an order under this Act have been vested in the said Official Assignee, shall, after such order and whilst the same is in force, be discharged out of custody otherwise than under the provisions of this Act, as to any suit or process, or concerning any demand with respect to which an order of discharge can, under the provisions of this Act, be made; nor shall such suit or process abate, be discontinued, terminated or dismissed, or the plaintiff be in any way subject to pay costs by reason merely of his not having taken any further step in such suit or process, or his forbearing to proceed with the same, after such vesting order as aforesaid.

Suits against the Insolvent pending at the time of insolvency, and all proceedings therein, may be stayed, so far as relate to debts contained in Insolvent's schedule.

No prisoner whose estate is vested in Assignee to be discharged as to certain suits, &c., except under this Act.

52. In case it shall appear to any Court constituted under this Act for the relief of Insolvent Debtors, that any such Insolvent has fraudulently, with the intent to conceal the state of his affairs or to defeat the objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the production of any book, paper or writing relating to such of his affairs as are subject to investigation under this Act, or kept or caused to be kept false books, or made false entries in, or withheld entries from, or wilfully altered or falsified any such book, paper or writing, or that such Insolvent has fraudulently, with intent of diminishing the sum to be divided among his creditors or of giving an undue preference to any of the said creditors, discharged or concealed any debt due to or from the said Insolvent, or made away with, charged, mortgaged or concealed any part of his property, of what kind soever, the Recorder sitting as Judge of such Court shall have power to adjudge that the Insolvent shall be imprisoned for a period or periods not exceeding two years in the whole, as such Recorder shall direct, and to declare him entitled to his discharge as aforesaid at the expiration of the term of imprisonment to which he shall be sentenced, and by warrant under the seal of the Court to order him to be arrested and committed to prison, and there to be detained accordingly.

Penalty on Insolvent fraudulently concealing his effects or destroying or falsifying books or giving undue preference.

53. In case it shall appear to the Recorder sitting as Judge of any such Court, that such Insolvent shall have contracted any of his debts fraudulently, or by means of breach of trust, or by means of false pretences, or without having any reasonable or probable expectation at the time when contracted of paying the same, or shall have fraudulently or by means of false pretences obtained the forbearance of any of his debts by any of his creditors, or shall have put any of his creditors to any unnecessary expense, by any vexatious or frivolous defence or delay, to any suit for recovering any debt or any sum of money due from such Insolvent, or shall be indebted in costs incurred in any suit vexatiously brought or defended, or shall be indebted for damages recovered in any suit for criminal conversation with the wife, or for seducing the daughter or servant of the plaintiff in such suit, or for breach of promise of marriage made to the plaintiff in such suit, or for damages recovered in any suit for a malicious prosecution, or for a defamation or assault as defined in the Indian Penal Code, or malicious arrest, or in any other suit for a malicious injury done to the plaintiff therein, or in any suit of tort or trespass to the person or property of the plaintiff therein, wherein it shall appear to the satisfaction of such Recorder that the injury complained of was malicious, or if it shall appear that the Insolvent's whole debts so greatly exceed his means of providing for the payment thereof during the time when the same were in the course of being contracted, reference being had to his actual and expected property, as to show gross misconduct in

Insolvents fraudulently, vexatiously, frivolously or maliciously contracting certain debts, not entitled to discharge.

contracting the same, then and in every such case it shall and may be lawful for such Recorder to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to any debts, sum or sums of money, or damages to be specially mentioned in the order, and as to such debt or debts, sum or sums of money, or damages, to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid as soon as he shall have been in custody at the suit of the person or persons who shall be creditor or creditors for the same respectively, for such period or periods, not exceeding two years in the whole, as such Recorder shall direct.

Where Insolvent is ordered to be discharged after imprisonment, he may still be liable to be arrested and charged in custody at the suit of certain creditors.

54. In all cases where it shall have been ordered that any such Insolvent shall be discharged from imprisonment as aforesaid at some future period, such Insolvent shall be subject and liable to be detained in prison, and to be arrested and charged in custody, at the suit of any one or more of his creditors with respect to whom it shall have been so ordered, at any time before such period shall have arrived, in the same manner as he would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such period shall have arrived, such Insolvent shall be entitled to the benefit and protection of this Act, notwithstanding that he may have been out of actual custody during all or any part of the time mentioned in such order, by reason of such Insolvent not having been arrested or detained during such time, or any part thereof.

Where Insolvent liable to further imprisonment at the suit of creditors, Court may order detaining creditor to allow him a sum for maintenance.

55. In all cases where such Insolvent shall, upon such order as aforesaid, be liable to further imprisonment at the suit of his creditors or any of them, it shall be lawful at any time for the Court by which such order shall be pronounced, on the application of such Insolvent, to order such creditor or creditors at whose suit he shall be so imprisoned to pay to such Insolvent such sum or sums not exceeding the rate of five Rupees by the week in the whole, at such times, and in such manner, and in such proportion, as such Court shall direct, and in failure of payment thereof, as directed by such Court, such Court shall order such Insolvent to be forthwith discharged from custody at the suit of the creditor or creditors so failing to pay the same.

Creditor opposing discharge of Insolvent to have his costs allowed him out of the estate in certain cases; if opposition frivolous or vexatious, Court may award costs against such creditor.

56. Whenever any creditor opposing such Insolvent's discharge shall prove to the satisfaction of the Recorder sitting as Judge of such Court that such Insolvent has done or committed any act for which he may be liable to remain in such custody as aforesaid, it shall be lawful for such Recorder to order the costs of such opposition to be paid to such opposing creditor or creditors out of the estate and effects of such Insolvent, by his or her Assignee or Assignees, before any dividend made thereof; and in all other cases of opposition to an Insolvent's discharge being substantiated or effectual, it shall be lawful for such Recorder to adjudge in like manner; and in case it shall appear to such Recorder that the opposition of any creditor to any such Insolvent's discharge was frivolous and vexatious, it shall and may be lawful for such Recorder to award such costs to such Insolvent as shall appear to be just and reasonable, to be paid by the creditors making such opposition, which shall be paid accordingly.

Where order has been issued for discharge of Insolvent, the Court may also discharge him as to any arrest or detainers that may be lodged against him in respect of the same.

57. Where in the matter of any such petition heard before any such Court, any order shall have been made by such Court for the discharge of any Insolvent, such Court shall also issue a warrant or warrants to the Gaoler accordingly, ordering the discharge of such Insolvent from custody, as to any arrest or detainers under which he may then be confined or which may be lodged against him before he shall be out of custody, the same being for debts in respect of which such order of discharge shall have been made, and every such order of discharge shall take effect as from the day on which it was pronounced, and every such order may be made without specifying therein any such debt or sum of money, or claims as aforesaid, or naming therein any such creditor as aforesaid, excepting so far as shall be necessary in any case in order to distinguish between the creditors as to whom any such Insolvent may be ordered so to be discharged as aforesaid forthwith, and the creditors as to whom he may be ordered to be so discharged at some future period. Provided nevertheless, that in all cases the arrest or detainer with respect to which any such Insolvent shall have been ordered to be discharged out of custody, he being then in custody thereupon, shall be specified in the warrant of such Court, to be delivered to the Gaoler in that behalf.

Such order for discharge, except in cases of appeals, shall be final and conclusive unless obtained fraudulently.

58. Every such order for discharge of any Insolvent as aforesaid by any such Court as aforesaid, except in cases of appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless the Recorder sitting as Judge of such Court shall thereafter see good and sufficient cause to believe that such order has been made on false evidence, or has been made by reason of an improper suppression of evidence, or of any false statements in the Insolvent's schedule, or has otherwise been fraudulently obtained, in which case it shall and may be lawful for the Recorder sitting as Judge of such Court, upon the application of such Insolvent, or of any creditors of such Insolvent, to order such Insolvent, upon due notice to be given to such persons and in such manner as the Court shall direct, to attend or to be brought up, and the said matter to be reheard before the Recorder sitting as Judge of such Court, who shall thereupon re-hear the same, and shall and may, if just cause shall appear, annul the original order made in such case, and shall have the same powers and authorities upon such rehearing as upon an original hearing in pursuance of this Act, and may adjudicate in such matter accordingly; and thereupon, in case the former order in the said matter shall not be confirmed, such order, certificate and warrant, so far as cir-

cumstances require, shall be made as required by this Act to be made in the case of the original order; and such Recorder shall and may, if necessary, remand the said Insolvent to the same custody in which he or she was at the time of the former hearing, there to be subject to imprisonment as if the former order therein had not been made; and thereupon all detainers which were in force against such Insolvent at the time of his or her former discharge from custody, shall be deemed to be still in force against him or her as if such former order had not been made; and the Gaoler or keeper of the prison to which such Insolvent shall be so remanded shall and is hereby required to receive such Insolvent into his custody in pursuance of such remand, for doing which the order of remand in such case shall be his sufficient warrant; and where in any case such Insolvent shall refuse or neglect to appear before such Court according to such order for re-hearing as aforesaid, a copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for the Court to order such Insolvent to be apprehended and committed to custody to such prison, and to issue its warrant accordingly, and to cause such Insolvent to be brought up for examination as often as to the Court shall seem fit. Provided always, that where upon such re-hearing it shall appear to the Recorder sitting as Judge of such Court that such Insolvent is not entitled to the benefit of this Act until some future period, according to the provisions herein contained, such Recorder shall and may, if it shall appear reasonable, adjudge the discharge of such Insolvent at such future period, to be calculated without including the time during which such Insolvent shall be out of custody since the time appointed for his or her discharge by such former order as aforesaid.

If order issued erroneously, Court may revoke, annul, suspend or amend the same, and recommit the prisoner.

59. Provided always, that if in any case an order for the discharge of any such prisoner shall have issued erroneously, and which is not pursuant to the intended order of the Court in that behalf, it shall be lawful for the Recorder sitting as Judge of the Court, on such error being shown to him, to revoke such order, and to annul, suspend or amend the same, and, if necessary, to re-commit such prisoner to his former custody, when by such order he shall have been discharged therefrom; and the Gaoler or keeper of the prison to whose custody such prisoner shall be so re-committed is hereby required to receive such prisoner into his custody, according to such re-commitment, and thereupon all detainers which were in force against such prisoner at the time of such discharge as aforesaid shall be deemed to be still in force against him as if such erroneous order had not issued.

On request of Assignee, Insolvent may at any time, although discharged, be further examined touching his estate.

60. It shall and may be lawful to and for the Assignee or Assignees from time to time, although an order for the discharge of the Insolvent may have been made, to apply to the Recorder sitting as Judge of the Court that such Insolvent may be further examined as to any matter or things relating to his estate and effects by such Recorder, and thereupon it shall be lawful for the Court to order the same; and in case such Insolvent shall neglect or refuse to appear before the Court at such time and place as shall be directed by such order, or shall refuse to be sworn, or to answer to such questions as shall be put to him relating to the discovery of his said estate and effects, then and in any of such cases it shall be lawful for such Recorder by warrant to commit such Insolvent to Jail, there to remain without bail or mainprize, until such time as he shall submit himself to the order of the Court in that behalf, and shall answer upon oath or otherwise, as shall be required, to all such lawful questions as shall be put to him in pursuance of the same for the purposes aforesaid.

Penalty on Insolvent refusing to appear.

Where estate pays one-third of Insolvent's debts, or where creditors to that amount consent, Court may grant an order *nisi* for final discharge of Insolvent, appoint time for hearing, and direct notices to be given.

61. Whenever it shall appear that the estate of any Insolvent which has come to the hands of his Assignee has sufficed to pay one-third of his debts admitted or established in the matter of the said insolvency, or that a majority in number and value of the creditors whose debts are admitted by the schedule, or established by proof, have consented to such application, it shall be lawful for the Recorder sitting as Judge of the Court, at any time after the hearing of his petition, upon the application of the Insolvent by petition, which may be in the form contained in the Schedule (E) to this Act annexed, with such variations as the case may require, to make an order *nisi* for his discharge in the nature of a certificate, and such order shall specify the creditors whose demands are thereby sought to be discharged, and shall appoint a time for the further hearing of the said petition, and shall direct such notice to be given of such order in the meantime as it shall think fit, and in case any of the creditors against whom such discharge shall be sought shall appear to such Recorder to be resident without the limits of British India, to cause notice of such order, or of so much thereof as may appear necessary, to be inserted in the Official Gazette; and the Secretary of the Chief Commissioner of British Burmah shall thereafter, without delay, transmit copies of such Gazette containing such notice as aforesaid by separate conveyances to the Secretary of State for India, so that an extract from such Gazette containing such notice may be inserted in the *London Gazette*, and upon the further hearing of such petition, it shall be lawful for the said Court to make such order absolute, or to dismiss such petition, or to adjourn the further hearing thereof, or to make such order therein as shall be just; and such discharge, unless order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired property, from the demands of all the creditors named in the said order *nisi*: Provided always that such order shall not affect any creditor without the limits of British India, unless notice of the said order *nisi* shall have been directed to be given in the Gazette in manner aforesaid, and a period of twelve months shall have elapsed between the date of the said order *nisi* and the date of the said order to make the same absolute: Provided also that such order shall not operate as a release or discharge of any person who was a partner with such Insolvent, or jointly bound or liable with him.

contracting the same, then and in every such case it shall and may be lawful for such Recorder to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to any debts, sum or sums of money, or damages to be specially mentioned in the order, and as to such debt or debts, sum or sums of money, or damages, to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid as soon as he shall have been in custody at the suit of the person or persons who shall be creditor or creditors for the same respectively, for such period or periods, not exceeding two years in the whole, as such Recorder shall direct.

Where Insolvent is ordered to be discharged after imprisonment, he may still be liable to be arrested and charged in custody at the suit of certain creditors.

54. In all cases where it shall have been ordered that any such Insolvent shall be discharged from imprisonment as aforesaid at some future period, such Insolvent shall be subject and liable to be detained in prison, and to be arrested and charged in custody, at the suit of any one or more of his creditors with respect to whom it shall have been so ordered, at any time before such period shall have arrived, in the same manner as he would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such period shall have arrived, such Insolvent shall be entitled to the benefit and protection of this Act, notwithstanding that he may have been out of actual custody during all or any part of the time mentioned in such order, by reason of such Insolvent not having been arrested or detained during such time, or any part thereof.

Where Insolvent liable to further imprisonment at the suit of creditors, Court may order detaining creditor to allow him a sum for maintenance.

55. In all cases where such Insolvent shall, upon such order as aforesaid, be liable to further imprisonment at the suit of his creditors or any of them, it shall be lawful at any time for the Court by which such order shall be pronounced, on the application of such Insolvent, to order such creditor or creditors at whose suit he shall be so imprisoned to pay to such Insolvent such sum or sums not exceeding the rate of five Rupees by the week in the whole, at such times, and in such manner, and in such proportion, as such Court shall direct, and in failure of payment thereof, as directed by such Court, such Court shall order such Insolvent to be forthwith discharged from custody at the suit of the creditor or creditors so failing to pay the same.

Creditor opposing discharge of Insolvent to have his costs allowed him out of the estate in certain cases; if opposition frivolous or vexatious, Court may award costs against such creditor.

56. Whenever any creditor opposing such Insolvent's discharge shall prove to the satisfaction of the Recorder sitting as Judge of such Court that such Insolvent has done or committed any act for which he may be liable to remain in such custody as aforesaid, it shall be lawful for such Recorder to order the costs of such opposition to be paid to such opposing creditor or creditors out of the estate and effects of such Insolvent, by his or her Assignee or Assignees, before any dividend made thereof; and in all other cases of opposition to an Insolvent's discharge being substantiated or effectual, it shall be lawful for such Recorder to adjudge in like manner; and in case it shall appear to such Recorder that the opposition of any creditor to any such Insolvent's discharge was frivolous and vexatious, it shall and may be lawful for such Recorder to award such costs to such Insolvent as shall appear to be just and reasonable, to be paid by the creditors making such opposition, which shall be paid accordingly.

Where order has been issued for discharge of Insolvent, the Court may also discharge him as to any arrest or detainers that may be lodged against him in respect of the same.

57. Where in the matter of any such petition heard before any such Court, any order shall have been made by such Court for the discharge of any Insolvent, such Court shall also issue a warrant or warrants to the Gaoler accordingly, ordering the discharge of such Insolvent from custody, as to any arrest or detainers under which he may then be confined or which may be lodged against him before he shall be out of custody, the same being for debts in respect of which such order of discharge shall have been made, and every such order of discharge shall take effect as from the day on which it was pronounced, and every such order may be made without specifying therein any such debt or sum of money, or claims as aforesaid, or naming therein any such creditor as aforesaid, excepting so far as shall be necessary in any case in order to distinguish between the creditors as to whom any such Insolvent may be ordered so to be discharged as aforesaid forthwith, and the creditors as to whom he may be ordered to be so discharged at some future period. Provided nevertheless, that in all cases the arrest or detainer with respect to which any such Insolvent shall have been ordered to be discharged out of custody, he being then in custody thereupon, shall be specified in the warrant of such Court, to be delivered to the Gaoler in that behalf.

Such order for discharge, except in cases of appeals, shall be final and conclusive unless obtained fraudulently.

58. Every such order for discharge of any Insolvent as aforesaid by any such Court as aforesaid, except in cases of appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless the Recorder sitting as Judge of such Court shall thereafter see good and sufficient cause to believe that such order has been made on false evidence, or has been made by reason of an improper suppression of evidence, or of any false statements in the Insolvent's schedule, or has otherwise been fraudulently obtained, in which case it shall and may be lawful for the Recorder sitting as Judge of such Court, upon the application of such Insolvent, or of any creditors of such Insolvent, to order such Insolvent, upon due notice to be given to such persons and in such manner as the Court shall direct, to attend or to be brought up, and the said matter to be reheard before the Recorder sitting as Judge of such Court, who shall thereupon re-hear the same, and shall and may, if just cause shall appear, annul the original order made in such case, and shall have the same powers and authorities upon such rehearing as upon an original hearing in pursuance of this Act, and may adjudicate in such matter accordingly; and thereupon, in case the former order in the said matter shall not be confirmed, such order, certificate and warrant, so far as cir-

cumstances require, shall be made as required by this Act to be made in the case of the original order; and such Recorder shall and may, if necessary, remand the said Insolvent to the same custody in which he or she was at the time of the former hearing, there to be subject to imprisonment as if the former order therein had not been made; and thereupon all detainers which were in force against such Insolvent at the time of his or her former discharge from custody, shall be deemed to be still in force against him or her as if such former order had not been made; and the Gaoler or keeper of the prison to which such Insolvent shall be so remanded shall and is hereby required to receive such Insolvent into his custody in pursuance of such remand, for doing which the order of remand in such case shall be his sufficient warrant; and where in any case such Insolvent shall refuse or neglect to appear before such Court according to such order for re-hearing as aforesaid, a copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for the Court to order such Insolvent to be apprehended and committed to custody to such prison, and to issue its warrant accordingly, and to cause such Insolvent to be brought up for examination as often as to the Court shall seem fit. Provided always, that where upon such re-hearing it shall appear to the Recorder sitting as Judge of such Court that such Insolvent is not entitled to the benefit of this Act until some future period, according to the provisions herein contained, such Recorder shall and may, if it shall appear reasonable, adjudge the discharge of such Insolvent at such future period, to be calculated without including the time during which such Insolvent shall be out of custody since the time appointed for his or her discharge by such former order as aforesaid.

If order issued erroneously, Court may revoke, annul, suspend or amend the same, and recommit the prisoner.

59. Provided always, that if in any case an order for the discharge of any such prisoner shall have issued erroneously, and which is not pursuant to the intended order of the Court in that behalf, it shall be lawful for the Recorder sitting as Judge of the Court, on such error being shown to him, to revoke such order, and to annul, suspend or amend the same, and, if necessary, to re-commit such prisoner to his former custody, when by such order he shall have been discharged therefrom; and the Gaoler or keeper of the prison to whose custody such prisoner shall be so re-committed is hereby required to receive such prisoner into his custody, according to such re-commitment, and thereupon all detainers which were in force against such prisoner at the time of such discharge as aforesaid shall be deemed to be still in force against him as if such erroneous order had not issued.

On request of Assignee, Insolvent may at any time, although discharged, be further examined touching his estate.

60. It shall and may be lawful to and for the Assignee or Assignees from time to time, although an order for the discharge of the Insolvent may have been made, to apply to the Recorder sitting as Judge of the Court that such Insolvent may be further examined as to any matter or things relating to his estate and effects by such Recorder, and thereupon it shall be lawful for the Court to order the same; and in case such Insolvent shall neglect or refuse to appear before the Court at such time and place as shall be directed by such order, or shall refuse to be sworn, or to answer to such questions as shall be put to him relating to the discovery of his said estate and effects, then and in any of such cases it shall be lawful for such Recorder by warrant to commit such Insolvent to Jail, there to remain without bail or mainprize, until such time as he shall submit himself to the order of the Court in that behalf, and shall answer upon oath or otherwise, as shall be required, to all such lawful questions as shall be put to him in pursuance of the same for the purposes aforesaid.

Penalty on Insolvent refusing to appear.

Where estate pays one-third of Insolvent's debts, or where creditors to that amount consent, Court may grant an order *nisi* for final discharge of Insolvent, appoint time for hearing, and direct notices to be given.

61. Whenever it shall appear that the estate of any Insolvent which has come to the hands of his Assignee has sufficed to pay one-third of his debts admitted or established in the matter of the said insolvency, or that a majority in number and value of the creditors whose debts are admitted by the schedule, or established by proof, have consented to such application, it shall be lawful for the Recorder sitting as Judge of the Court, at any time after the hearing of his petition, upon the application of the Insolvent by petition, which may be in the form contained in the Schedule (E) to this Act annexed, with such variations as the case may require, to make an order *nisi* for his discharge in the nature of a certificate, and such order shall specify the creditors whose demands are thereby sought to be discharged, and shall appoint a time for the further hearing of the said petition, and shall direct such notice to be given of such order in the meantime as it shall think fit, and in case any of the creditors against whom such discharge shall be sought shall appear to such Recorder to be resident without the limits of British India, to cause notice of such order, or of so much thereof as may appear necessary, to be inserted in the Official Gazette; and the Secretary of the Chief Commissioner of British Burmah shall thereafter, without delay, transmit copies of such Gazette containing such notice as aforesaid by separate conveyances to the Secretary of State for India, so that an extract from such Gazette containing such notice may be inserted in the *London Gazette*, and upon the further hearing of such petition, it shall be lawful for the said Court to make such order absolute, or to dismiss such petition, or to adjourn the further hearing thereof, or to make such order therein as shall be just; and such discharge, unless order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired property, from the demands of all the creditors named in the said order *nisi*: Provided always that such order shall not affect any creditor without the limits of British India, unless notice of the said order *nisi* shall have been directed to be given in the Gazette in manner aforesaid, and a period of twelve months shall have elapsed between the date of the said order *nisi* and the date of the said order to make the same absolute: Provided also that such order shall not operate as a release or discharge of any person who was a partner with such Insolvent, or jointly bound or liable with him.

Court may, upon application of Insolvent trader, provided he has filed his schedule, make an order *nisi* for his discharge, appoint a time for hearing, and direct notices to be given.

62. It shall be lawful for any Insolvent Debtor being such trader as hereinbefore is mentioned, who shall have presented a petition under this Act, or as to whom an adjudication that he has committed an act of insolvency shall have been made under this Act, provided he shall have filed his schedule, to apply to the Court by petition, which may be in the Form contained in the Schedule (F) to this Act annexed, with such variations as the case may require; and it shall be lawful for the Recorder sitting as Judge of such Court, upon such petition, to make an order *nisi* for his discharge in the nature of a certificate, and to appoint a time for the further hearing of the said petition, and to direct such notices to be given of such order in the meantime as it shall think fit, and in case any of the creditors against whom such discharge shall be sought shall appear to such Recorder to be resident without the limits of British India, to cause notice of such order to be inserted in the Official Gazette; and the Secretary to the Chief Commissioner of British Burmah shall thereafter without delay transmit copies of such Gazette containing such notice as aforesaid by separate conveyances to the Secretary of State for India, so that an extract from such Gazette containing such notice may be inserted in the *London Gazette*, and upon the further hearing of the said petition, it shall be lawful for such Recorder to make such order absolute, or to dismiss such petition, or to adjourn the further hearing thereof, or to make such order therein as shall be just; and such discharge, unless such order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired property, from all demands which would be discharged by a certificate under the Bankrupt Laws, granted under a fiat bearing even date with the Insolvent's petition, or with the adjudication, as the case may be: Provided always, that such order shall not affect any creditor without the limits aforesaid, unless notice of the said order *nisi* shall have been directed to be given in the *London Gazette* in manner aforesaid, and a period of twelve months shall have elapsed between the date of the said order *nisi* and the date of the said order to make the same absolute: Provided also, that such order shall not operate as a release or discharge of any person who was partner with such Insolvent, or jointly bound or liable with him.

If Insolvent, discharged by such order, be again sued in respect of former debts. Court may, on his application, order proceedings to be stayed and award costs.

63. If any such Insolvent, his heirs, executors or administrators shall, after such order for discharge in the nature of a certificate under this Act as aforesaid, be sued or arrested, or execution shall issue against his or their property for any debt, claim or demand from which the said Insolvent shall have been discharged by such order, on his or their application to any Court having power to stay such proceedings, or to discharge from such arrest, or to set aside such execution, and upon proof to the satisfaction of such Court of such order, and that the debt or claim for which such proceedings are had is the same from which the said Insolvent has been discharged by such order as aforesaid, such proceedings shall be stayed, and he or they shall be discharged from such arrest, and such process of execution shall be set aside, and all further proceedings in the suit in which such arrest or such execution was shall also be stayed, and the Court shall have power to award costs to the said Insolvent, or his heirs, executors or administrators, as aforesaid, in case the said proceedings shall appear to the Court to have been taken after notice of the said order, and without any reasonable cause for impeaching the same, or to have been otherwise oppressive or vexatious.

Nothing in this Act to affect debts, penalties, &c., due to the Crown.

64. Provided always, that no debt due to Her Majesty the Queen, nor any fine, penalty or forfeiture whatsoever, nor any recognizance whereby a debt is acknowledged to the Queen, nor any debt due on account of any fine, penalty, or forfeiture, or any estreat, shall be deemed or taken to be such a debt as to entitle any person to petition as is before mentioned, nor shall any person be entitled to receive any dividend for the same under this Act, nor shall any such fines, penalties, forfeitures, recognizances, debts or estreats be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

Special provisions for insolvent married women.

65. The provisions of this Act shall extend to married women, and the order vesting the estate and effects of every such married woman in the Official Assignees hall extend to and operate upon her interest in any property, moveable and immoveable, in possession, reversion, remainder or expectancy, subject to any rights of her husband therein, and to all property over which she shall have any beneficial power of disposition, notwithstanding her coverture, to the extent of the benefit which she might acquire therein by the exercise of such power; but the same shall not extend to her wearing apparel, bedding, and other such necessaries not exceeding in the whole the value of two hundred Rupees: Provided always, that the discharge of any married woman under the provisions of this Act shall not extend to discharge her husband from any debt in respect of which his wife shall be so discharged, but such debt, as far as the same shall remain unpaid and unsatisfied, shall be chargeable upon, and in force against such husband, as fully to all intents and purposes as if his wife had not obtained such discharge.

And for insolvent Lunatics.

66. If any such prisoner for debt as aforesaid shall be or become of unsound mind, and be therefore incapable of taking the benefit of this Act in such manner as he might have done if of sound mind, the Gaoler or keeper of the prison wherein such prisoner shall be, shall give information thereof to the Court for the relief of Insolvent Debtors of the town wherein such prison shall be situated, which Court may thereupon proceed to inquire touching and respecting the state of the prisoner's mind, by examination of witnesses upon oath or solemn affirmation, or by such other means as it shall think fit, and if the Court shall conclude that the prisoner is of unsound mind, it shall be lawful for the Court, at the instance of any person on behalf of such prisoner, to order notice to be twice inserted

in the Official Gazette, and in such notice to specify and direct that application shall be made to such Court for the discharge of such prisoner on a day to be specified in such notice, being twenty days at least from the first time of publication of such notice, which notice, together with service of the notice on the creditor or creditors at whose suit such prisoner shall be detained in custody, or his, her, or their Vakeel or Attorney shall be deemed sufficient to authorize the Court to proceed to the discharge of such prisoner, and the Recorder sitting as Judge of such Court, in case it shall appear to him that such prisoner is of unsound mind, shall proceed accordingly, and discharge such prisoner: Provided always, that all and every the estate, right, title, interest, power, benefit and emolument whatsoever, which would vest in the Official Assignee under a vesting order in the case of a petition by such Insolvent if he were of sound mind, shall, by force and virtue of the order for the discharge of such prisoner, be vested in the Official Assignee in the manner and for the purposes hereinbefore mentioned.

Affidavits and affirmations may be sworn, &c., before Courts, &c., appointed for that purpose.

67. Affidavits and affirmations to be used before any Court for the relief of Insolvent Debtors, or any Officer of such Court, may be sworn and affirmed before such Court, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits or affirmations in any of Her Majesty's Courts of Record within the limits of British India, or before any person in Great Britain or Ireland authorized to take affidavits or affirmations.

Penalty for perjury, or for forging or counterfeiting the seal of any Court.

68. If any person, in any proceeding, examination, affidavit or affirmation had or taken under this Act, shall intentionally swear or affirm falsely, or shall forge or counterfeit the seal of any of the said Courts, or knowingly concur in using any such forged or counterfeit seal, for the purpose of authenticating any proceedings or document, he shall be punished with imprisonment of either description, as described in the Indian Penal Code, for a term which may extend to seven years, and shall also be liable to fine.

Penalty for embezzlement or concealment of effects, books, papers, &c.

69. If any Insolvent who shall have filed a petition for relief, or against whom any such adjudication as aforesaid of an act of insolvency shall have been made in any of the said Courts for the relief of Insolvent Debtors, or any other person, shall wilfully and fraudulently embezzle or conceal or remove any part of the moveable or immoveable property or effects of such Insolvent or any books of account, papers or writings relating thereto, with intent to defraud his creditors, or shall destroy, alter, mutilate or falsify any of his books, papers, writings or securities, or make or be privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors, the person convicted of any such offence shall be punished with imprisonment of either description, as described in the Indian Penal Code, for a term which may extend to seven years, and shall also be liable to fine.

Application of fines imposed for the foregoing offences.

70. Whenever any person shall have been ordered and adjudged under the provisions of this Act to pay any fine for any offence hereinbefore mentioned, and such fine shall have been paid, it shall be lawful for any Assignee or Assignees in whom the estate and effects of any Insolvent shall be duly vested according to the provisions of this Act to apply to the Court by which such fine shall have been imposed; and if it shall be proved to the satisfaction of the same Court that the creditors for whose benefit the said Assignee or Assignees shall hold in trust the said estate and effects have been defrauded, or have incurred loss by means of any such offence as aforesaid, the said Court by which the said fine shall have been imposed may direct the same to be paid, after deducting the costs of prosecution, to the said Assignee or Assignees for the use and benefit of the said creditors. Provided always, that if no such application shall be made by such Assignee or Assignees within one year after any such fine shall have been paid, it shall be lawful for the Court by which such fine shall have been imposed to appropriate, apply, and to pay over such fine to such uses, purposes, and persons, and in such manner, as any other fine imposed by the same Court under the provisions of the Indian Penal Code may be lawfully appropriated, applied, and paid over.

Jurisdiction of Registrar when Recorder is not sitting.

71. Whenever the Recorder shall not sit as Judge of the Court, the Registrar shall have and exercise all such jurisdiction, authority, and powers as by this Act are conferred upon the Court, save so far as the same are by this Act expressly limited to the Recorder sitting as Judge of the Court.

Provisions of Act XXI of 1863 to apply to applications heard before, and orders made by Registrar under this Act.

72. The provisions of Act No. XXI of 1863 respecting the applications thereby authorized to be made to the Registrar of the Recorder's Court, and the variation, review, and reversal of and appeals from the orders to be made on such applications, shall apply to all applications heard before and orders made by the Registrar in pursuance of this Act.

Any person interested in proceedings before the Court may, on making a deposit, require the evidence, &c., to be taken down by a sworn Officer of the Court.

73. Any person who shall be interested in any proceeding of any of the said Courts for the relief of Insolvent Debtors, upon depositing with the proper Officer of the Court a sum of money of which the amount shall be fixed by the Court, may require that the whole of the evidence relating to any such proceeding may be taken down in writing by a sworn Officer of the Court, and the same shall be done accordingly; and in case such person shall not within one month thereafter present a petition of appeal as is hereinafter directed, it shall be lawful for the Court in which such evidence shall have been so taken down in writing as aforesaid to pay the reasonable costs and expenses thereof out of the money which shall have been so deposited as aforesaid, returning the surplus, if any, to the person who shall have deposited the same.

74. It shall be lawful for any person who shall think himself aggrieved by any adjudication, order, or proceeding of any Recorder sitting as Judge of any such Court for the relief of Insolvent Debtors to present, within two months thereafter, a petition to the High Court of Judicature at Fort William in Bengal; and it shall be lawful for such last mentioned Court to order that the whole of the evidence, if any, which shall have been so taken down in writing as aforesaid, and the minutes and records of the proceedings of which complaint shall have been made, shall be brought before it, and the said last mentioned Court shall inquire into the matter of the petition, and of such proceedings and evidence, and shall make such order thereon as to the same Court shall seem just, and shall thereby direct by whom and in what manner the costs of such petition, and of the proceedings which shall have been had thereon, and of the taking down of any such evidence in writing, and of the proceedings of which complaint shall have been made, shall be paid; and such order shall be final and conclusive as to all parties, and shall be compulsory and binding upon the Court in which such proceedings so complained of shall have been had.

Power of appeal to the High Court of the Presidency.

75. The proper Officer of the Court shall, on the reasonable request of any such Insolvent as aforesaid, or of any creditor or creditors of such Insolvent, or his, her, or their Vakeel or Attorney, produce and show to such Insolvent, creditor or creditors, and his, her, or their Vakeel or Attorney, at such times as such Court shall direct, every petition, schedule, order of adjudication, and all other orders and proceedings made and had relating to such Insolvent; and the Court shall order the Assignees of such Insolvent, or the said Officer of the Court, as the case may be, to permit the said Insolvent, creditor or creditors, or their respective Vakeels or Attorneys, to have inspection, at all reasonable times, of all books, papers and writings relating to the matters of the said insolvency, and the estate of the said Insolvent in the possession of such Assignees, or filed in Court in such matter, and permit him, her, or them to inspect and examine the same; and such Officer or such Assignees as aforesaid shall provide for any such Insolvent, or creditor or creditors, or his, her, or their Vakeel or Attorney requiring the same, a copy or copies of such petition or other proceedings, books, papers and writings as aforesaid, or of such part thereof as shall be required, receiving such fee or sum or rate of charge as such Court shall appoint for so providing the same; and a copy of such petition, schedule, order, and other orders and proceedings as aforesaid, purporting to be signed by the Officer in whose custody the same shall be, or his Deputy, certifying the same to be a true copy of such petition, schedule, order, or other proceedings, and appearing to be sealed with the seal of the Court, shall at all times, and on behalf of all persons, and whether for the purposes of this Act or otherwise, be admitted in all Courts whatever, and before Magistrates and Justices of the Peace, without any proof of such seal or other proof whatsoever, as sufficient evidence of the same.

Officers of Court to produce proceedings and give copies thereof.

76. No conveyance, assignment, letter of attorney, affidavit, certificate or other proceeding, instrument or writings whatsoever before or under any order of any of such Courts for relief of Insolvent Debtors, nor any copy thereof, nor any advertisement inserted in any newspaper by direction of any such Court, relating to matters within the jurisdiction of such Court, shall be liable to or chargeable or charged with the payment of any Stamp or other duty.

Conveyances, &c., under this Act not liable to Stamp or other duties.

77. The Recorder shall have power from time to time to make rules, not inconsistent with the provisions of this Act, for facilitating and carrying into effect within his jurisdiction the relief intended to be given by this Act in cases for which sufficient provision has not been thereby made, and from time to time to alter and add to such rules. All such rules, alterations and additions shall from time to time be transmitted to the Governor-General of India in Council for his approbation, correction or revision.

Recorder may make rules and may alter and amend the same, subject to the approval of the Governor-General in Council.

78. The principal Officer of the Court shall cause notices to be inserted in the Official Gazette of every petition which shall be filed in such Court by any Insolvent for relief under this Act, and of every adjudication of an act of insolvency, and of every confirmation or revocation thereof, together with the dates of the same respectively, and, in the case of an adjudication, the date of the petition on which the same is grounded, forthwith after the filing of such petition or pronouncing such adjudication or such confirmation or revocation respectively; and the Secretary of the Chief Commissioner of British Burmah shall, without delay, transmit to the Secretary of State for India two or more copies at least of every such Gazette which shall contain any such notice as aforesaid.

Notices of insolvency, &c., to be inserted in the Gazettes of the Presidencies and the *London Gazette*.

79. In case any adjudication of an act of insolvency, whether under the provisions of this Act or otherwise, shall be issued against such Insolvent trader as aforesaid, upon which such Insolvent shall be declared a bankrupt before such order for discharge in the nature of a certificate as hereinbefore mentioned, then and in such case such order shall not operate as a discharge from the debt, claim, and demand of any creditor who shall not have been resident within the limits aforesaid at any time between the filing of the Insolvent's petition or the adjudication, as the case may be, and the making of such order: Provided always that when such Insolvent shall be indebted or liable to two or more persons jointly, if any one of such joint creditors shall have been resident within the limits aforesaid within the time aforesaid, such certificate shall operate against all such joint creditors as aforesaid, notwithstanding the non-residency within the limits aforesaid of some of the said joint creditors.

Order for discharge of Insolvent Debtor not to operate as a discharge to the debts, &c., of any creditor not resident within the limits of British India.

Proviso as to joint creditors.

80. Whenever it shall appear by the schedule of any such Insolvent as aforesaid that any of the creditors are resident out of the limits aforesaid, the principal Officer of the said Court for the relief of Insolvent Debtors shall, as soon as conveniently may be after the filing of such schedule, transmit two or more copies thereof to the Secretary of the Chief Commissioner of British Burmah, who shall transmit the same to the Secretary of State for India as soon as conveniently may be after the receipt thereof.

When creditors are residing out of the limits, proceedings to be transmitted from India to the Secretary of State for India.

81. Provided always, that in all cases where any Insolvent shall not have obtained his discharge in the nature of a certificate as aforesaid under this Act, the Recorder sitting as Judge of such Court may, if in the circumstances of the case he shall think fit, before making such order for such discharge, direct a decree to be passed against such Insolvent in the Recorder's Court within the limits of whose jurisdiction such Court for the relief of Insolvent Debtors shall be situate, in favour of the Assignee or Assignees, or of such Official Assignee as the Court shall think fit, for the amount of the debts or demands stated in the schedule of such Insolvent as due or claimed, and of such as shall be established in the said Court against the said Insolvent's estate, or so much thereof as shall appear at the time of such order to be due, which said order shall be filed in the said Court for the relief of Insolvent Debtors; and the production of such order, or of a copy of such order, under the seal of the said Court, of which order, copy and seal no proof shall be requisite, other than the production of such order or copy, shall be sufficient authority to the Recorder for passing the said decree; and then, and in every such case, and notwithstanding the provisions hereinbefore contained, if at any time it shall appear to the satisfaction of the said Court that such Insolvent is of ability to pay such debts or demands, or any part thereof, or that he is dead, leaving assets for such purpose, and that under the circumstances the same is reasonable and proper, the said Court may, if it shall think fit, order execution to be taken out upon such judgment against the property of such Insolvent, whether the same may or may not be by law vested in his Assignee or Assignees, for such sum of money as, under all the circumstances of the case, the Court shall order, such sum to be distributed rateably amongst the creditors of such Insolvent according to the mode hereinbefore directed in the case of a dividend, and such further proceedings may be had upon such judgment as the Court may from time to time order, until the said debts or demands shall be fully paid and satisfied, and execution of such decree shall at all times be enforced by virtue of the order of the said Court for the relief of Insolvent Debtors from time to time. Provided always, that in case any application against any such Insolvent for the purpose aforesaid shall appear to the Court to be vexatious or oppressive, it shall be lawful for the said Court, not only to refuse to make any order on such application, but also to dismiss the same, with such costs against the party making the same as to the said Court shall appear reasonable.

Court may direct decree to be passed for the amount of the debts stated in Insolvent's schedule.

Execution on the same may be issued against future assets of Insolvent.

82. No decree entered up in pursuance of the provisions in the last preceding Section contained shall be defeated or affected by the lapse of time or by any Act providing for the limitation of suits, unless and until such decree would have been defeated in case it had been a decree of a Court established by Royal Charter.

Decrees entered up under Section 81 not to be affected by lapse of time otherwise than decrees of High Courts.

83. When the debts or demands in respect of which such decree shall have been passed as aforesaid shall have been satisfied, it shall be lawful for the Recorder sitting as Judge of such Court, upon application of the Insolvent, his heirs, executors or administrators, to direct satisfaction to be entered on such decree, and the production of the order of the said Court for entering up such satisfaction, or of a copy thereof, under seal of the said Court (of which said order or copy or seal no proof shall be requisite, other than the production of such order or copy as aforesaid), shall be a sufficient authority to the proper Officer for entering up the same; and if in any case it shall appear to the satisfaction of such Recorder that after the said debts and demands shall have been so discharged and satisfied as aforesaid, there shall remain in the possession or subject to the control of his Assignee or Assignees any property of any kind or description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim title by virtue of the order made in that behalf, or otherwise by virtue of his or their office of Assignee or Assignees, it shall be lawful for such Recorder, on such application as aforesaid, to order that all such property so remaining as aforesaid shall be vested in the party so applying, and be forthwith delivered up to the said party, and such order shall have the effect of vesting the same accordingly, and the same shall be forthwith delivered up to the said party.

And when the said decree is discharged and satisfied, Court may order satisfaction to be entered up on such decree.

84. Where any rules or other matters are hereinbefore directed to be transmitted to the Governor-General of India in Council for his approbation, correction or revision, the same respectively shall in the meantime be of full force and shall so continue until the expiration of fourteen days after the Court by whose authority such rules or other matters shall have been made shall have received from a Secretary to the Government of India a communication of the Governor-General of India in Council's disallowance thereof, or of any alterations directed by him to be made therein.

Rules, &c., directed to be transmitted for the Governor-General's approbation shall be in force till the return of the same.

85. This Act shall, as to all matters not otherwise provided for, commence and come into operation in the Towns of Rangoon and Moulmein on the first day of February one thousand eight hundred and sixty-six, and in the Town of Akyab so soon as a Recorder of Akyab shall be appointed under the provisions of Act No. XXI of 1863.

Commencement of Act.

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A.)

Form of Petition by Insolvent in Custody.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court, the humble petition of
late of

Showeth,—

THAT on the day of
your Petitioner was committed to the custody of [by virtue of a Writ of
issued against your Petitioner at the Suit of
the for the sum of Rs.],
[and that detainers have since been lodged against him at the suit of
and for sums
of and respectively],
and that he is now a prisoner in the gaol of
under the process aforesaid.

That he is desirous of obtaining the benefit of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays that, upon compliance with the provisions of the said Act, he may have the benefit of the same, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The blanks are to be filled up, and the parts between brackets omitted or varied according to the facts.

The Petition is to be signed by the Insolvent, and witnessed by the Gaoler.

A similar form is to be adopted in the case of a joint petition.

SCHEDULE (B.)

Form of Petition of Insolvent not in Custody.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court, the humble petition of
of

Showeth,—

THAT your Petitioner is in insolvent circumstances.

That he is now residing at
within the jurisdiction of the Recorder's Court of

That he is desirous of obtaining the benefit of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays, that upon compliance with the provisions of the said Act, he may have the benefit of the same, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The Petition to be signed by the Petitioner, and witnessed by his Vakeel or Attorney.

SCHEDULE (C.)

In the Court for the relief of Insolvent Debtors.

The Schedule of

In the matter of , an Insolvent.

I the said do declare, that this my schedule doth contain a full and fair description of me, as to name, trade, profession and abode, and of the debts due or growing due from me, and of all persons to whom I am indebted, or who to my knowledge and belief claim to be my creditors, together with the nature and amount of such debts and claims respectively, distinguishing such as are admitted from such as are disputed by me; and also a full, true and perfect account of all my estate and effects, moveable and immoveable, in possession, reversion, remainder or expectancy, and also of all places and employments of benefit to me, held by me, and also of all pensions and allowances which I have in possession or reversion, or which are held by any other person for me or on my behalf, or of or from which I derive or may derive any manner of benefit, and also of all rights and powers which I am, or any other person in trust for me or for my use or benefit is, in any manner whatever possessed of or interested in or entitled unto, or which I or any other person in trust for me or for my benefit have or has any power to dispose of, charge, or exercise for my benefit or advantage, together with a full, true and perfect account of all the debts due or growing due to me or any person in trust for me or for my benefit or advantage, either solely or jointly with any other person, and the names and places of abode of the several persons from whom such debts are due and growing due, and of the witnesses who can prove or other evidence to prove such debts so far as I can set forth the same; and that this my schedule doth fully and truly describe the wearing apparel, bedding, and other such necessaries and working tools and implements of myself and my family, which are excepted by me from the operation of the Act relating to Insolvents in British Burmah together with the value of such excepted articles respectively.

CREDITORS.

No.	Names and description of creditors, of claimants, and their present or last residence.	Amount.			When contracted.	Admitted or disputed.	Nature and consideration of the debt and securities, if any; also why disputed, if disputed.
		Rs.	A.	P.			
1 &c.							

Where there are cross demands, the party must be entered both as creditor and debtor, and "set-off" must be written under the amount.

DEBTORS.

No.	Names and descriptions and places of abode of debtors.	Amount.			When contracted.	Good, bad, or doubtful.	Nature and consideration of the debt, also securities (if any) for the same.	Witnesses, with their residences, and other evidence by which the debt may be proved.
		Rs.	A.	P.				

N. B.—If property has been taken possession of by the Common Assignee, it must nevertheless be fully entered in the schedule.

PROPERTY IN POSSESSION.

		Supposed value.
1. Interest in land, houses, rents or other real estate.	Describe the quantity of estate, if less than the absolute proprietary right, as lease for years, lease for lives, &c., local description, names of tenants, annual rent or value, statement of incumbrances (if any) thereupon, with description of them, and dates.	
2. Goods, things in action ...	Household furniture	
	Wearing apparel (not excepted)	
	Jewels, trinkets, and ornaments	
	Plate, linen, china, glass	
	Wines and other liquors	
	Books, prints, and pictures	
	Horses and other animals	
	Carriages	
	Farming stock, crops, and implements of husbandry	
	Other crops on cultivation	
	Stock in trade, machinery, and utensils in my business of	
	Ships and shares of ships, describing the ships by name, and Master, or other sufficient description	
	Cash, bills, notes, bonds, &c; any other property not particularly specified	
3. Property in public securities, Indian or otherwise, shares in Companies, annuities, &c.	Describe the fund, stock, Company, security, &c., and state in whose name, and also when and by whom the last dividend or other payment in respect of the same was received, and shares of estate	
4. Unpaid legacies ...	Legacies, shares of intestates' estates, with all particulars concerning the same	

Property in reversion, places, pensions, allowances, rights and powers.

Contingent as well as vested interests must be entered.

Moveable and immoveable property and effects in which I have any interest in reversion, remainder, or expectancy.

		Supposed value of my interest, if now to be sold.
1. Interests in land, houses, rents, and other immoveable property. 2. Moveable property, as goods and certain things in action. 3. Other moveable property, as public securities, Indian or otherwise, shares in Companies, annuities.	Describe the property as in the division relating to property in possession; add a description of the nature of the interest, and from whom and in what manner it is derived, with names and descriptions of persons now enjoying the same, the value or annual value, according to the nature of the property, and in whose name or names the property now stands, or who has the legal interest therein, according to the nature of the property.	
Places, pensions, and allowances in possession or reversion.	Places of employments held by me with the salaries, fees, and emoluments thereof; also all pensions and allowances in possession or reversion held by me, or by any other person or persons for me, or on my behalf, or of or from which I derive or may derive any benefit.	
Rights and powers ...	Rights and powers which I or any other person or persons in trust for me, or for my use, benefit, or advantage, am, is, or are in any manner seized or possessed of or interested in or entitled unto, or which I or any other person or persons in trust for me, or for my benefit have or has any power to dispose of, charge, or exercise for my benefit or advantage.	
Excepted articles ...	Excepted articles, and the value thereof. Give a full description of the excepted articles and their value.	

The schedule to be signed by the Insolvent, and witnessed by his Vakeel or Attorney.

A similar form must be adopted in the case of a joint schedule.

SCHEDULE (D.)

Form of Petition for adjudication of insolvency.

FORM No. 1.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble petition of of

Showeth,—

That on or about the day of the said [*here state the time and place of the charge in execution or commitment of the prisoner, and the amount of the debt or sum of money for which the prisoner shall have been so charged in execution or committed*].

That your Petitioner is desirous that the said prisoner should be dealt with according to the provisions of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an act of insolvency, pursuant to the provisions of the Act for the relief of Insolvent Debtors in British Burmah, and that the proper order may thereupon be made.

And your Petitioner, &c.

FORM No. 2.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble petition of of

Showeth,—

That late of (heretofore and up to carried on the trade or business of at), and thereby, as your petitioner is advised, became a trader within the meaning of the Bankrupt Laws.

That on or about the day of the said [*here state shortly the act or acts of insolvency relied on*], whereby, as your petitioner is advised and believes, the said is liable to be adjudged to have committed an act of insolvency.

That at the time aforesaid the said was and now is indebted to your Petitioner in the sum of Rs. [*state for what the party is indebted, as* for Goods sold and delivered, &c.]

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an act of insolvency, pursuant to the provisions of the Act for the relief of Insolvent Debtors in British Burmah, and that the proper order may thereupon be made.

And your Petitioner, &c.

NOTE.

The blanks must be filled up, and the parts within brackets varied or supplied, as the case may require.

A similar form must be used in the case of a joint Petition.

SCHEDULE (E.)

Form of Petition for discharge in the nature of a certificate of an Insolvent not a trader.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble Petition of the said Insolvent

Showeth,—

That on or about the day of [*the circumstances to be stated shortly*].

That the estate of your Petitioner has realized one-third of the amount of the debts established in this Court in the matter of the said insolvency [*or*, that the major part in number and value of the creditors of your Petitioner, contained in the said schedule, or who have since established their debts in this Court, have consented to the discharge of your Petitioner from all further liability in respect of his aforesaid debts, provided that this Court shall so order], as appears by the schedule annexed to this Petition, to which your Petitioner craves leave to refer.

That your Petitioner is desirous of obtaining a discharge in the nature of a certificate under the provisions of the said Act.

Your Petitioner therefore humbly prays, that he may be discharged from all liability in respect

of such debts, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The blanks must be filled up, and the parts between brackets varied, as the case may require.

The schedule to contain a copy of the original schedule, and of the debts proved since, if any, and the consents of the creditors must be signed by them, or their Vakeels or Attorneys specially authorized.

SCHEDULE (F.)

Form of Petition for discharge in the nature of a certificate of an insolvent trader.

In the Court for the relief of Insolvent Debtors.

In the matter of an insolvent trader.

To the Honourable the Commissioner of the said Court.

The humble Petition of the said Insolvent

Showeth,—

That your Petitioner, prior to his insolvency, hereinafter mentioned, carried on the trade or business of and thereby became a trader within the meaning of the Bankrupt Laws.

That on or about the day of your Petitioner petitioned for his discharge, under the Act for the relief of Insolvent Debtors in British Burmah, [*or* was adjudged by this Court to have committed an act of insolvency].

That on or about the day of your Petitioner duly filed his schedule in this Court, and that your Petitioner is desirous of obtaining a discharge in the nature of a certificate under the provisions of the Act relating to Insolvent Debtors in British Burmah; and he therefore humbly prays that all necessary directions may be given for that purpose, and that your Petitioner may, by the order of this Court for his discharge in the nature of a certificate, be discharged from all liability in respect of the debts or claims established, or which might by law be proved in this Court, in the matter of his insolvency.

And your Petitioner, &c.

NOTE.

The Petitioner must annex to this Petition a copy of his schedule and include all debts established, though not included in the schedule as originally filed.

The blanks must be filled up, and the parts between brackets varied, as the case may require.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill, which has been prepared on the recommendation of the Chief Commissioner of British Burmah and at the request of the local mercantile community, is to constitute Courts for the relief of Insolvent Debtors in the towns of Rangoon, Moulmein and Akyab. It has been founded on the Statute 11 and 12 Vic., Cap. 21 *(An Act to consolidate and amend the laws relating to Insolvent Debtors in India)*, but omits certain provisions which the Indian Legislature is unable to make: and introduces the modifications called for by the peculiarities of the Burmese Recorders' Courts, the tribunals by which the proposed measure will be administered.

The principal of those modifications are the following:—

It will probably be for many years inexpedient to appoint a separate Recorder for each town: the Bill therefore empowers the Registrar, who will be permanently resident in each town, to exercise the summary powers of the Court.

Where the Registrar makes an order, the appeal will be in the first instance to the Recorder, and, to ensure uniformity of practice, the procedure on application to the Registrar is regulated by reference to the Bill now before the Council, to amend Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Rangoon, Moulmein and Akyab*).

A decree given to the Assignee is placed on the same footing as if obtained in the High Court.

The powers of the Recorder respecting the dismissal of the Officers of his own Court being limited, confusion might arise from giving him larger jurisdiction over the Insolvent Court Officers. His powers over the latter Officers have therefore been limited.

The operation of the Bill, should it become law, will commence in Rangoon and Moulmein on the 1st February 1866, and in Akyab so soon as a Recorder of Akyab shall be appointed under the provisions of Act No. XXI of 1863.

H. S. MAINE.

The 20th November 1865.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative).

HOME DEPARTMENT.

No. 4490.

Fort William, the 27th November 1865.

NOTIFICATIONS.

Mr. J. Campbell, Senior Assistant Revenue Surveyor of the 1st Class, attached to the 1st Division Central Provinces, is appointed to the charge of the Rohilcund Division Revenue and Topographical Survey, from the date on which he may receive charge.

No. 4492.

The 28th November 1865.

The under-mentioned Covenanted Civil Servants having produced the necessary medical certificates, have been granted by the Right Hon'ble the Secretary of State for India extensions of leave for the periods specified, viz. :—

Mr. G. G. Morris	...	...	2 months.
„ J. M. Lister	...	...	6 „
„ R. Wall	...	...	6 weeks.
„ W. H. Hudson	...	...	6 months.
„ S. H. C. Tayler	...	...	6 „

No. 4493.

Captain C. S. B. Walton, District Superintendent of Police, Nagpore, in the Central Provinces, has obtained three months' privilege leave of absence from the 4th January 1866, or such date as he may avail himself of the same.

No. 4495.

Mr. R. C. A. Hamilton, District Superintendent of Police, Oonao, in Oudh, reported his return to Calcutta, on the 15th ultimo, from the leave granted to him on the 17th of March, and is allowed eight days' leave under paragraph 14 of the New Uncovenanted Service Absentee Rules, to rejoin his appointment.

Mr. Hamilton resumed charge of his office on the forenoon of the 23rd ultimo, from Mr. J. Burton.

Mr. J. Burton, Assistant District Superintendent of Police, is appointed to officiate as District Superintendent of Police, Durriabad. He assumed charge on the forenoon of the 26th ultimo.

No. 4496.

The 29th November 1865.

The Governor General in Council is pleased to permit Mr. R. H. W. Dunlop to resign the Civil Service with effect from the 23rd of September last.

No. 4499.

Mr. P. B. Doyle, Superintendent of Police, 2nd Grade, British Burmah, returned from the leave on private affairs granted him in Notification No. 2910, dated 17th October, and resumed charge of his office from Mr. J. Treacy, Supernumerary Assistant Commissioner, 2nd Grade, British Burmah, on the forenoon of the 2nd November.

No. 4501.

Lieutenant L. B. Bance, of the late 47th Regiment Madras Native Infantry, appointed Officiating Assistant Superintendent of Police in British Burmah, in Notification No. 2024, dated 18th September last, joined his appointment on the forenoon of the 7th November.

No. 4636.

The 1st December 1865.

Lieutenant Colonel H. W. Taylor, Inspector General of Police in the Central Provinces, has obtained three months' privilege leave from the 1st of March 1866, or from such date as he may avail himself of the same.

No. 4638.

The services of Lieutenant C. A. M. Skinner, 2nd Assistant in Great Trigonometrical Survey of India, are replaced, at his own request, at the disposal of the Government of Bombay.

No. 4641.

Mr. R. G. Hodson, Deputy Inspector of Schools in Mysore, returned on the 1st November from the privilege leave granted to him on the 6th October.

No. 4643.

The under-mentioned specifications of inventions have been filed under the provisions of Act XV of 1859 in the Office of the Secretary to the Government of India in the Home Department; copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department, to public inspection, upon payment of a fee of one Rupee; a certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.

No. 248.—Dr. Samuel Cornwallis Amesbury, of Fort William, Calcutta, Assistant Surgeon in H. M.'s 34th Native Infantry Regiment, for effecting immediate communication between the passengers, the guard, and engine drivers of Railway Trains; also for giving instant notice to the engine driver in the event of accidents.

No. 252.—Mr. William Ironside, of Calcutta, Coach-builder, for altering, changing, and adjusting the balance of Buggies or other two-wheel conveyance by means of a revolving or shifting outside back seat or foot board.

E. C. BAYLEY,

Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

MILITARY.

No. 359.

Fort William, the 28th November 1865.

Lieutenant C. Young, Doing-duty Officer, Meywar Bheel Corps, is appointed to officiate as Adjutant of the Corps during the absence, on leave of Lieutenant W. Battye.

GENERAL.

No. 2277.

The services of Mr. J. R. Reid, C. S., are placed at the disposal of the Chief Commissioner of Oudh.

No. 2279.

The 29th November 1865.

Major R. Renton, Town Magistrate of Mysore, has obtained one month's leave of absence from the 20th instant, preparatory to applying for leave to Europe on medical certificate.

No. 2282.

Lieutenants W. W. Haywood and M. F. Coussmaker, of the Bombay General List, Infantry, are appointed Probationary Assistant Superintendents in the Mysore Revenue Survey.

No. 2284.

Mr. H. G. Ross assumed charge of the Office of Officiating Deputy Commissioner of Seetapore on the afternoon of the 27th October. Mr J. W. Quinton assumed charge of the Office of Deputy Commissioner of Fyzabad on the forenoon of the 30th idem.

No. 2285.

Assistant Surgeon D. Wright, in medical charge of the Lawrence Asylum at Sunawur, is appointed to officiate as Residency Surgeon at Nipal, during the absence on leave of Assistant Surgeon G. N. Cheke.

No. 2300.

The 30th November 1865.

The Governor General in Council is pleased to appoint Mr. J. W. Neill, C. S., to be an Assistant Commissioner in the Central Provinces.

No. 2303.

Mr. J. G. Anderson, Deputy Commissioner of Baraitch, in Oudh, returned, on the afternoon of the 16th instant, from the one month's privilege leave granted to him in General Order No. 2138, dated the 7th idem.

W. MUIR,

Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 3126.

Fort William, the 30th November 1865.

Extract from the Proceedings of the Government of India in the Financial Department.

Read the under-mentioned papers :—

Resolution No. 591, passed in this Department on the 30th January 1857, deciding, *inter alia*, that Chaplains and Assistant Chaplains, like Covenanted Civil Servants, must serve for three months from the date of return from privilege leave before they can take furlough or retire.

Notification No. 1381, issued from this Department on the 15th July 1865, publishing a compilation of the Furlough and Absentee Rules for Chaplains on the Establishments of the three Presidencies.

Letter to the Accountant General, North-Western Provinces, No. 1772, dated the 11th August 1865, deciding that, by the revised Civil Absentee Rules of the 16th December 1864, a Covenanted Civil Servant is not required to render a service of three months from the date of his return to duty from privilege leave before he can take furlough or retire.

Endorsement from the Home Department, No. 3186, dated 25th October 1865, forwarding for disposal a letter from the Government of Madras, enclosing a communication from the Venerable the Archdeacon in that Presidency, in which he represents that, as the interval between privilege leave and furlough or retirement, which was prescribed by the old Absentee Rules, has been abolished in the case of Covenanted Civil Servants, it should be dispensed with in the case of Chaplains.

RESOLUTION.—The Governor General in Council concurs with the Venerable the Archdeacon, and is accordingly pleased to decide that Section XII of the Furlough and Absentee Rules for Chaplains, which were published by this Department on the 15th July 1865, shall in future be read thus :—

Application for furlough on private affairs must be supported by proof of residence for the period prescribed in paragraph XIV.

Ordered, that the foregoing Resolution be published in the *Gazette of India*, and that copies of it be forwarded to the—

Home and Foreign Departments.

Governments of Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and the Straits Settlements.

Accountants General, Bengal, Madras, Bombay, North-Western Provinces, Punjab, and British Burmah.

Deputy Accountants General, Hyderabad and the Central Provinces.

Auditor and Accountant, Mysore.

No. 3151.

The 30th November 1865.

NOTIFICATIONS.

The following Circular is published for general information :—

No. 2622.

CIRCULAR.

FROM

E. H. LUSHINGTON, ESQ.,
Secy. to the Govt. of India,
Financial Dept.,

To

ALL DEPY. COMMRS. OF PAPER CURRENCY.

Simla, 29th September 1865.

Deputy Commissioners of Paper Currency cannot legally refuse to give Notes of any of the authorized denominations they may have in hand

in exchange for Silver or for Notes of the Government of India payable to bearer on demand of other amounts issued within the same Circle, tendered under Section 9 of the Currency Act.

2. The object of the Paper Currency was to provide a convenient and well known substitute for Coin in the ordinary and every-day business of the country, and not to provide facilities for the larger transactions of commerce which are usually carried on by banking operations and by negotiable instruments peculiarly adapted to such purposes. The employment of a Government Promissory Note payable to bearer on demand as a mercantile bill, though it may be occasionally incident to, is foreign from the main object and use of, a circulating medium, and is excluded from the scheme of a Paper Currency recently instituted for the accommodation of the public.

3. Every Deputy Commissioner of Paper Currency should therefore keep such a supply of Notes of every denomination in his Office as he may think sufficient for internal use in his Circle, with a margin to meet all reasonable demands from private individuals for remittances for their personal convenience. As Notes required for such purposes will be generally those of the lower denominations, the stock in hand should be regulated accordingly. Every Deputy Commissioner would of course be obliged to supply Notes out of that stock in exchange for silver and Notes tendered under Section 9, for whatever purpose they might be required; and it would be his duty to replenish that stock as it was expended. But for the reasons above stated, it is not necessary that he should keep a disproportionate stock of Notes of the higher denominations.

4. As regards the issue of Notes by Treasury Officers, the previous orders must remain in force.

No. 3213.

Appointment.—Mr. Edward Gay, Class IV of the General Department of Account, is appointed to officiate, temporarily, as an Assistant to Deputy Commissioner of Currency, Allahabad.

No. 3241 A.

In continuation of Notification No. 2875, dated the 9th instant, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India, at the close of the month of September last, contrasted with that of the previous years, is published for general information :—

	1863.	1864.	1865.
	Rs.	Rs.	Rs.
Govt. of India ...	3,28,01,693	2,06,49,641	1,53,86,269
Bengal	2,24,75,212	1,76,84,203	1,40,14,029
British Burmah			30,75,296
N. W. Provinces	2,51,59,697	1,67,95,031	1,70,69,526
Oudh ...			51,34,629
Punjab	1,07,99,356	1,00,29,607	1,27,86,543
Bombay	2,06,95,379	2,02,45,583	1,81,63,872
Central Provinces .	46,43,759	42,07,213	45,86,520
Deccan	26,95,609	21,83,777	22,92,204
Madras	2,57,57,027	2,10,29,441	1,54,00,515
Total ...	14,50,27,732	11,28,24,496	10,79,09,403

No. 3241 B.

The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay, in October 1865, is published for general information :—

	Calcutta.			Madras.			Bombay.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchts.		Govt.	Merchts.		Govt.	Merchts.	
In October 1865 ...	49	33,42,020	32,03,222	9,154	91,873	73,427	...	25,95,348	17,99,467

No. 3245.

The 1st December 1865.

Mr. S. G. Wyatt, now absent on sick leave, is appointed Inspector of Local Offices of Account, and promoted to the 1st Class of the Department of Account.

Mr. W. E. Gordon to be Assistant Comptroller General of Accounts in the 3rd Class of the General Department of Account, but to officiate as Inspector of Local Offices of Account during the absence of Mr. Wyatt on leave.

Mr. Edward Rule, a Supernumerary in Class IV of the Account Department, is posted to the Office of the Comptroller General of Accounts.

Baboo Shamachurn Dey, now employed in the Central Office of Account, is promoted from Class V to Class IV of the Department of Account.

The following Officers of Class V of the Account Department are also posted to the Comptroller General's Establishment:—

Baboo Hurryhur Mookerjee.
" Koylas Chunder Bose.
Mr. A. C. Foster.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 25th November 1865.

No. 1096 *of* 1865.—The under-mentioned Non-Commissioned Officer and Soldier are admitted to pension, as specified opposite to their names:—

Sergeant Alfred Percy, *alias* John Steverson, attached to the Calcutta Police Force.	2*s.* (two shillings) per diem, payable in Europe.
Gunner and Acting Corporal Thomas Sansbury, of No. 1 Battery Bengal Artillery.	1*s.* (one shilling) per diem, payable in Europe.

The 27th November 1865.

No. 1097 *of* 1865.—The following Order issued by the Resident at Hyderabad is confirmed:—

No. 163, *dated the 7th November* 1865.—Granting one month's leave of absence on urgent private affairs to Captain T. Turton, Officiating 2nd in Command, 1st Infantry Hyderabad Contingent, in extension of that notified in Government General Order No. 862 of 1865.

No. 1098 *of* 1865.—Sub-Conductor David Hutchins, of the Army Commissariat Department, at present acting as Conductor, is confirmed in that grade from the 18th instant, in room of Conductor H. Gardiner, reduced to the grade of Sub-Conductor.

Sub-Conductor Patrick Leahy is promoted to act as Conductor, vice Hutchins, from the 18th instant, until further orders.

No. 1099 *of* 1865.—Naib Ressaldar Kahn Sing, of the 12th Bengal Cavalry, is, at his own request, permitted to resign the service from date of the publication of this order at the Head Quarters of the Corps.

No. 1100 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Captain (Brevet Major) Samuel Dewe White, of the late 3rd European Regiment.	For 18 months, under the old Regulations.

The 28th November 1865.

No. 1101 *of* 1865.—The Regimental Orders dated 16th September and 21st ultimo, issued to the Calcutta Volunteer Rifle Corps, the former permitting Lieutenant C. A. Smith, (Officiating Quarter Master,) to resign his appointment in No. 2 Company, and the latter notifying the resignation by Major J. Pitcher of his appointment in the Corps, are confirmed.

No. 1102 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments:—

Brigadier General H. F. Dunsford, C. B., temporarily employed on the Brigade Staff, to be brought permanently on the Establishment, in succession to Brigadier General (Colonel) P. Harris, promoted to the rank of Major General.

Colonel W. B. Wemyss, of the Bengal Cavalry, to the Brigade Staff of the Army, with the rank of Brigadier General, in succession to Brigadier General (Colonel) J. Travers, V. C., promoted to the rank of Major General.

No. 1103 *of* 1865.—The under-mentioned Officers have reported their return from England:—

	Date of arrival at Fort William.
Captain R. S. Graves, late 66th Native Infantry, Sub-Assistant Commissary General.	22nd November 1865.
Assistant Surgeon J. Duncan, M. D., Medical Department.	

No. 1104 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army:—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
2nd Regt. Bengal Cavy.	Jemadar Meer Imdad Hoosein ...	Resaidar ...	1st May 1864 ...	Heera Sing, appointed Woordie Major.
Ditto.	Kote Duffadar Sirdar Sing ...	Jemadar ...	Ditto ...	Meer Imdad Hoosein, promoted.
2nd Regt. Native Light Infy.	Jemadar Nehaul Sing	Subadar ...	12th October 1865	Sunker Chowbay, invalided.
Ditto.	Ditto Jafer Ali Khan 1st ...	Ditto ...	Ditto ...	Buctour Doobay, invalided.
Ditto.	Havildar Ramdial Lalla ...	Jemadar ...	Ditto ...	Nehaul Sing, promoted.
Ditto.	Ditto Rambuccus Sing ...	Ditto ...	Ditto ...	Jafer Ali Khan 1st, promoted.
42nd Assam Light Infy.	Jemadar Joothea Goorung ...	Subadar ...	Ditto ...	Rugghoobeer Thappa, deceased.
Ditto.	Havildar Salamut Khan ...	Jemadar ...	Ditto ...	Joothea Goorung, promoted.

The 29th November 1865.

No. 1105 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Honorary Assistant Surgeon Thomas Briscoe, Head Assistant of the Indent Branch of the Medical Store Department.	For 20 months, under the new Regulations.

No. 1106 *of* 1865.—Surgeon A. R. Atkinson, M. D., of the Medical Department, is allowed an extension of leave to the 12th November 1865, the date on which he returned to Bengal from sick leave to the Cape of Good Hope.

No. 1107 *of* 1865.—The under-mentioned Officers are admitted to the Bengal Staff Corps, with effect from the 18th February 1861, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Reymond Hervey de Montmorency, of the late 65th Native Infantry, Assistant Superintendent, Oudh Police, now Assistant Commissioner, 1st Class, Roy Bareilly.

Lieutenant Henry Syllivan Jarrett, of the late 3rd European Regiment, Doing-duty Officer, 3rd Punjab Cavalry, now Adjutant of the 4th Bengal Cavalry.

Lieutenant Arthur Fergusson Lindsay, late 13th Native Infantry, Adjutant, 16th Irregular Cavalry, now 3rd Squadron Officer, 8th Bengal Cavalry.

Lieutenant Hervey Ekins Ryves, of the General List, Infantry, Doing-duty 18th Irregular Cavalry, now 3rd Squadron Officer, 13th Bengal Cavalry.

No. 1108 *of* 1865.—The under-mentioned Officer having completed the prescribed period of service as Lieutenant Colonel, to be Colonel in the Army, from the date specified opposite to his name, subject to the approval of Her Majesty :—

BREVET.

To be Colonel in the Army.

Lieutenant Colonel William Philip Hampton, of the Bengal Infantry.	4th June 1865.

No. 1109 *of* 1865.—The following promotions and alterations of rank are made, subject to Her Majesty's approval :—

BREVET.

PROMOTIONS.

Rank, Names, and Corps.	To what rank promoted.	From what date.	In succession to
Major Malcolm Scrimshire Green, C. B., Bombay Staff Corps	Lieutenant Colonel.	13th June 1865...	General John Truscott, Bengal Infantry, deceased.
Major Henry Francis Maxwell Boisragon, Bengal Staff Corps..	Lieutenant Colonel.	23rd July „ ...	Lieutenant General W. Watkins, Madras Infantry, deceased.
Captain George Brown Roberts, Madras Staff Corps	Major ...		
Major Charles Henry Barchard, C. B., Bengal Infantry	Lieutenant Colonel.	22nd Aug. „ ...	Lieutenant General H. F. Salter, C. B., Bengal Cavalry, deceased.
Captain Henry White Best, Bengal Cavalry	Major ...		

ALTERATIONS OF RANK.

Rank, Names, and Corps.	To rank from	In succession to
Lieutenant Colonel Henry Murray Garstin, Bengal Staff Corps	5th June 1865 ...	Lieutenant General G. W. A. Lloyd, C. B., Bengal Infantry, deceased.
Major John Philip Anthony Theobald, Bengal Cavalry		
Major Thomas Nuttall, Bombay Staff Corps ...	13th „ „ ...	General J. Truscott, Bengal Infantry, deceased.

No. 1110 *of* 1865.—In accordance with the 10th paragraph of Government General Order No. 370 of the 1st June 1863, Officiating Sub-Conductor William Ware, of the Ordnance Commissariat Department, is promoted to the rank of Sub-Conductor, with effect from the 1st May 1865.

No. 1111 *of* 1865.—Lieutenant A. Conolly, Royal Artillery, Doing-duty Officer, Peshawur Mountain Battery, who was appointed to officiate as 3rd Class Commissary of Ordnance by Government General Order No. 949 of the 17th ultimo, is permitted to resign the latter appointment.

No. 1112 *of* 1865.—*Erratum.*—In the 8th paragraph of Government General Order No. 773, dated 22nd September 1864, laying down rules under which Officers are allowed to travel at the public expense, the words "rail or" are to be omitted, and the paragraph read thus :—*Commissioned and Warrant Officers proceeding by Horse Dâk will be allowed, &c.* Order books to be corrected accordingly.

The 30th November 1865.

No. 1113 *of* 1865.—Captain A. G. Remington, of the late 12th Native Infantry, is permitted to resign the service from this date, subject to Her Majesty's approval.

No. 1114 *of* 1865.—The services of Assistant Surgeon J. J. Durant, employed on the Bhootan Frontier, are replaced at the disposal of the Government of Bengal.

The services of Assistant Surgeon R. Harvey, M. B., Officiating Civil Assistant Surgeon of Shahabad, are placed at the disposal of His Excellency the Commander-in-Chief from the date on which he may be relieved from his duties.

No. 1115 *of* 1865.—The following Orders, issued by the Resident at Hyderabad, are confirmed :—

No. 161, *dated 2nd November* 1865.—Appointing Lieutenant A. F. Dobbs, Paid Doing-duty Officer, 3rd Infantry Hyderabad Contingent, to act as Paid Doing-duty Officer, 5th Infantry Hyderabad Contingent, until further orders.

No. 162, *dated 7th November* 1865.—Confirming the following Orders :—

Regimental Order by Major H. C. Dowker, Officiating Commandant, 4th Cavalry Hyderabad Contingent, assuming charge of the Assistant's Office from the 2nd October 1865, on the departure of Lieutenant and Officiating Adjutant H. C. Onslow.

Regimental Order by the Officer Commanding 1st Infantry Hyderabad Contingent, directing Lieutenant and Adjutant A. C. Havelock to officiate as Second in Command, and Lieutenant and Paid Doing-duty Officer E. W. Shaw to officiate as Adjutant of the Corps, from the 26th October 1865, during the absence on general leave of Captain T. Turton, Officiating 2nd in Command.

The 1st December 1865.

No. 1116 *of* 1865.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Lieutenant J. Finnis, late 5th European Regiment. Lieutenant G. N. Channer, General List, Infantry.	27th November 1865.

No. 1117 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Surgeon C. K. Webb, of the Medical Department.	For 3 years, under the old Regulations.

No. 1118 *of* 1865.—Captain (Brevet Major) A. C. Bunbury, late 34th Regiment Native Infantry, is allowed an extension of leave to the 2nd November 1865, the date on which he returned to Bengal from sick leave to the Neilgherry Hills.

No. 1119 *of* 1865.—Sub-Conductor James Toozs, of the Ordnance Commissariat Department, is promoted to officiate as Conductor from the 25th ultimo, during the absence, on sick leave to Europe, of Conductor Hobery, or until further orders.

No. 1120 *of* 1865.—Captain R. S. Graves, Sub-Assistant Commissary General, 2nd Class, having reported his return from sick leave to Europe, is promoted to officiate as Sub-Assistant Commissary General, 1st Class, with effect from the 23rd November 1865, in room of Lieutenant N. R. Burlton, Sub-Assistant Commissary General, 2nd Class, and Officiating 1st Class, who has proceeded to Europe on sick leave.

H. W. Norman, *Colonel,*
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

Establishment.

No. 418.

Fort William, the 25th November 1865.

Notifications.

Lieutenant J. H. Bedford, R. E., resumed charge of the Dhar or 1st Division of the Mhow and Nusseerabad Road, from Lieutenant H. J. Nuthall, on the 1st November 1865.

No. 419.

Lieutenant W. J. Carroll, R. E., Assistant Engineer, 1st Grade, is transferred from Oudh to the North-Western Provinces.

No. 420.

Captain A. S. Griffith, Bombay Staff Corps, Assistant Engineer, Rajpootana, is granted sick leave in India for twelve months, in extension of that granted him in Notification No. 208 of the 5th June last.

No. 421.

Captain J. M. Williams, Executive Engineer, 1st Grade, assumed charge of his duties as Officiating Assistant to the Chief Engineer and Officiating Assistant Secretary to the Chief Commissioner, British Burmah, on the 7th instant.

No. 422.

The 28th November 1865.

Mr. G. P. Milne is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade, on probation, and posted to the Punjab.

No. 423.

The 30th November 1865.

Lieutenant Colonel John Harley Maxwell, R. E., is re-appointed to the Public Works Department as a Superintending Engineer, 1st Class, 1st Grade, vice Colonel H. Rigby, R. E., who vacates under the Furlough Rules.

Lieutenant Colonel Maxwell is posted to Bengal.

With reference to the above, the acting promotion of Captain F. S. Stanton, R. E., to officiate as Superintending Engineer, 2nd Class, will cease from the date of Colonel Maxwell joining his appointment.

No. 424.

Mr. R. B. Wrenn, Supervisor, 1st Grade, is transferred from the Central Provinces to Oudh.

No. 425.

Mr. D. O'Dogherty, Overseer, 3rd Grade Mysore, has been allowed three months' privilege leave with effect from date of departure.

No. 426.

Mr. J. T. Maclagan, Controller, 3rd Class, 3rd Grade, Central Provinces, is permitted, at his own request, to resign his appointment in the Public Works Department, with effect from the 9th October 1865.

No. 427.

Lieutenant B. J. Goldie, B. E., Assistant Engineer, 1st Grade, is transferred from the Central Provinces to Hyderabad.

No. 428.

Lieutenant L. Wavell, B. S. C., is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade, and posted to the Central Provinces.

No. 429.

Lieutenant J. M. McNeile, R. E., Executive Engineer, 3rd Grade, is transferred from British Burmah to Bengal.

No. 430.

Mr. C. F. Vaughan, Accountant, 2nd Grade, Oudh, has been allowed one month's leave, with effect from the 25th November 1865.

No. 431.

The services of Conductor G. Cowper, Sub-Engineer, 3rd Grade, attached to the Rajpootana Circle of Public Works, are replaced at the disposal of the Government of Bombay.

No. 432.

The 1st December 1865.

Mr. J. D. Derry, Assistant Engineer, 1st Grade, recently returned from furlough to England, is transferred from Bengal to British Burmah.

No. 433.

Deputy Assistant Commissary A. Bremner, of the Pension Establishment, is re-appointed to the Public Works Department as a Sub-Engineer of the 2nd Grade, and posted to the Penang Division, Straits Settlement.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

Statement of Government Promissory Notes enfaced for Payment of Interest in London, showing the total amount outstanding according to the Registers received in this Office up to 21st November 1865.

	4 per cent. Transfer of 1865.	4 per cent. of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Statement dated 11th November 1865 ...	12,32,900	53,000	300	22,43,900	24,49,100	1,12,48,300	83,57,600	36,49,300	5,20,20,500	2,88,59,000	27,600	16,000	11,01,57,500
ADD—													
Amount enfaced at Madras as per Registers received up to date	...	...	...	...	600	57,400	18,600	...	1,000	...	...	...	77,600
Amount enfaced at Bombay as per ditto ...	...	...	...	...	...	...	...	7,000	2,500	...	...	...	9,500
Amount enfaced at Calcutta up to date	67,200	...	...	8,000	...	47,600	17,000	28,400	63,000	8,000	...	...	2,39,200
Total ...	13,00,100	53,000	300	22,51,900	24,49,700	1,13,53,300	83,93,200	36,84,700	5,20,87,000	2,88,67,000	27,600	16,000	11,04,83,800
DEDUCT—													
Amount removed from the London Books as per Registers received up to date	...	...	...	12,400	...	42,800	42,900	...	74,300	2,95,000	...	...	4,67,400
Total ...	13,00,100	53,000	300	22,39,500	24,49,700	1,13,10,500	83,50,300	36,84,700	5,20,12,700	2,85,72,000	27,600	16,000	11,00,16,400

FORT WILLIAM;
LOAN OFFICE,
The 25th November 1865.

R. P. HARRISON,
Comptroller General of Accounts.

ADVERTISEMENTS.

NOTIFICATION.

In order to facilitate the transfer of the management of the public debt to the Bank of Bengal, which will take effect from the 2nd of January 1866, no Promissory Notes will be received at this Office, either for payment of interest or for renewal, after the 22nd December 1865.

By Order of the Government of India,

R. P. HARRISON,
Comptroller Genl. of Accounts.

FORT WILLIAM;
LOAN OFFICE,
The 14th October 1865.

NOTICE.

An Exhibition of Arts and Manufactures will be held at Nagpore, from the 26th of December 1865 to the 2nd of January 1866.

Prizes to the amount of Rs. 15,000 will be awarded.

For particulars, apply to the Secretary to the Central Exhibition Committee, Nagpore.

NOTICE.

The under-mentioned Government Promissory Note, belonging to the undersigned, has been destroyed by white-ants. Application is about to be made to the Loan Office for a duplicate:—

No. 7765 of the 4 per cent. loan of 1832-33, for Sicca Rupees 400.

ANN GOMES.

CALCUTTA,
The 25th November 1865.

NOTICE.

The under-mentioned five Government Promissory Notes, belonging to the undersigned, having been more or less destroyed by white-ants, application is about to be made to the Loan Office for duplicates:—

No. 82172 of the 5 per cent. loan of 1856-57, for Co.'s Rs. 1,000.
,, 26206 of the 5 ,, ,, of ,, for ,, 600.
,, 8781 of the 5 ,, ,, of ,, for ,, 700.
,, 60810 of the 5 ,, ,, of ,, for ,, 700.
,, 983 of 1086 of the 4 per cent. loan of 1835-36, for Co.'s Rs. 500.

R. H. CUNLIFFE.

CALCUTTA,
The 25th November 1865.

NOTICE.

Notice is hereby given that, in conformity with Section XV of the Charter (Act IV of 1862), a meeting of the Proprietors of the Bank of Bengal will be held at the Bank on Monday, the 11th December, at 10 A. M., to elect two Directors in the rooms of Messrs. H. Dundas and James Rome, who go out by rotation.

By order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

BANK OF BENGAL;
CALCUTTA,
22*nd November* 1865.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office:—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Allahabad Circle Notes for Rupees 1,26,370
Lahore ,, ,, 98,360

(Sd.) H. HYDE,
Head Commissioner.

25th November 1865.

CIVIL SERVICE ANNUITY FUND.

NOTICE.

The Annual General Meeting of Subscribers will be held at the Town Hall on Wednesday the 31st January 1866, at 11 A. M., for the election of the Managers for the ensuing year, and for the approval of the accounts of the past year.

The Managers will propose an alteration in Rule 19 with a view of adding the Accountant General to the Government of Bengal to the list of ex-Officio Managers in the room of the Civil Pay Master, whose office has been abolished, and substituting for the designation "Accountant General to the Government of India," that of "*Comptroller General of Accounts.*"

By order of the Managers,

A. M. MONTEATH,
Secretary.

CIVIL SERVICE ANNUITY FUND,
The 28th November 1865.

BENGAL CIVIL FUND.

NOTICE.

The Half-yearly General Meeting of Subscribers will be held at the Town Hall on Wednesday the 31st January 1866, at 11 A. M., for the election of Managers for the ensuing year, and for the approval of the accounts of the past year.

The Managers will propose an amendment in Article 9 of the Rules, by substituting for the words "deducted by the Civil Pay Master or other Officer passing the monthly pay bills of Civil Servants," the following words, viz., "*deducted by the Officer passing the monthly salary of Civil Servants.*" They will also propose an alteration in Article 21 of the Rules with a view of adding the Accountant General of Bengal to the list of ex-Officio Managers, in the room of the Civil Pay Master, whose office has been abolished, and substituting for the designation "Accountant General to the Government of India," that of '*Comptroller General of Accounts.*"

By order of the Managers,

A. M. MONTEATH,
Honorary Secretary.

BENGAL CIVIL FUND,
The 28th November 1865.

FOR SALE.

A Quarter-Share in a flourishing Tea Plantation, situated in Upper Assam, comprising 8,300 acres of Forest land, and 200 acres stocked with healthy one and two year old plants. For further particulars, apply to

A. SANDERSON,
6, *Bankshall Street.*

REWARD.

On the evening of the 11th November, a gold watch, value Rs. 225, marked Royal Exchange, James Murray, Maker, and No. 6033, was stolen from the house of Baboo Kristolall Pandey in Gora Bazar. Rs. 25 is offered for the recovery of the same. Apply to the undersigned.

C. JENNINS,
Offg. Dist. Supdt. of Police,
Moorshedabad.

The 14th November 1865.

WANTED.

A 2nd Clerk for the Gya Collectorate, on a salary of Rs. 60 per mensem. He must be acquainted with English and Oordoo, and be able to translate.

Applications to be addressed, post paid, accompanied by testimonials.

H. KEAN,
In charge.

GYA COLLECTORATE,
The 21st November 1865.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Applications, with copies of testimonials as to character and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

NOTICE.

CALCUTTA MUNICIPALITY.

A Special General Meeting of the Justices of the Peace for the Town of Calcutta will be held at the Town Hall, at eleven o'clock A. M., on Tuesday the 12th December 1865, for the following purposes :—

FOR DISPOSAL.

1. Letter from Government of Bengal and correspondence, relating to the payment of the Calcutta Police from the Municipal Funds, with Report of the Finance Committee thereon.

2. Letter from Government of Bengal, respecting the transfer of the Town Hall to the Justices, with Report of Finance Committee thereon.

3. Letter and correspondence received from the Government of Bengal, respecting a system of sanitary supervision in the Town and Districts under the jurisdiction of the Civil Authorities, with the Report of the Conservancy Committee thereon.

4. Letter from Government of Bengal, respecting an amendment of Section X of Act VI of 1863, so as to admit of the Chairman of the Justices being appointed a Member of the Council of the Lieutenant Governor for making Laws and Regulations.

FOR INFORMATION.

1. Letter from Government of Bengal, sanctioning the Budget of Income and expenditure of the Municipality for the year 1866.

2. Letter from Government of Bengal, sanctioning the measures proposed for taking a census.

ROBT. TURNBULL,
Secy. to the Justices of the Peace.

OFFICE OF THE JUSTICES OF THE PEACE;
1, CHOWRINGHEE ROAD,
Calcutta, the 30th November 1865.

বিজ্ঞাপন।

কলিকাতার মুনিসিপল কমিটি।

পশ্চাৎ লিখিত কার্য্য নির্ব্বাহার্থে কলিকাতা নগরের শান্তিরক্ষার্থ সর্ব্ব সাধারণ জুষ্টিসদিগের বিশেষ সভা ১৮৬৫ সালের ১২ ডিসেম্বর মঙ্গলবারে বেলা ১১ ঘণ্টার সময়ে কলিকাতার টৌনহালে হইবে।

নিস্পাদনার্থ কার্য্য।

১। মুনিসিপল ফণ্ড হইতে কলিকাতার পুলিসের বেতন দেওন বিষয়ে বঙ্গদেশের গবর্ণমেণ্টের পত্র ও লিখন এবং তদুপোলক্ষে ফাইনান্স কমিটীর রিপোর্ট।

২। টৌনহাল জুষ্টিসদের হস্তে অর্পণ করণ বিষয়ে ভারতবর্ষের গবর্ণমেণ্টের পত্র তদু.পালক্ষে ফাইনান্স কমিটীর রিপোর্ট।

৩। সিবিল সম্পর্কীয় কার্য্যকারকদের আধিপত্যগত নগর ও জিলাতে স্বাস্থ্য রক্ষার্থ বিধির বিষয়ে বঙ্গদেশর গবর্ণমেণ্ট হইতে প্রাপ্ত পত্র ওলিখন পঠন ও তদুপোলক্ষে নগর পরিপাটী করণার্থ কমিটীর রিপোর্ট।

৪। জুষ্টিসদের সভাপতি আইন ও ব্যবস্থা করণার্থ শ্রীযুক্ত লেপ্টেনেণ্ট গবর্ণর সাহেবের মন্ত্রি সভার মেম্বর স্বরূপ নিযুক্ত হইতে পারেন, এতদর্থে ১৮৬৩ সালের ৬ আইনের ১০ ধারা সংশোধন করণবিষয়ে বঙ্গদেশের গবর্ণমেণ্টের পত্র॥

বিজ্ঞাপণার্থ কর্ম্ম।

১। মুনিসিপল কমিস্যনরদের ১৮৬৬ সালের আয় ব্যয়ের বজেট সম্পর্কে বঙ্গদেশের গবর্ণমেণ্টের সম্মতি জ্ঞাপক পত্র।

২। নগর বাসি লোকদের নামাদির নির্ঘণ্ট প্রস্তুত করণের প্রস্তাবিত নিয়মে বঙ্গদেশের গবর্ণমেণ্টের সম্মতি জ্ঞাপক পত্র।

আর, ডবলিউ, টর্নবুল।
শান্তিরক্ষার্থ জুষ্টিসদিগের সেক্রেটারী।

চৌরঙ্গি রাস্তার
১ নং ভবনে শান্তিরক্ষার্থ
জুষ্টিসদিগের কার্য্যালয়।
কলিকাতা। ১৮৬৫ সাল ৩০. নবেম্বর।

LOST OR STOLEN.

Currency Note No. 33201, of the Calcutta Circle, for Rs. (1,000) one thousand, between Allahabad and Cawnpore. Application for payment has been made to the Commissioner, Paper Currency, Calcutta.

ENAYUT RUSSOOL,
Talookdar, Rudowlee, Oudh.
چودري عنايت رسول تعلقه دارپرگنه ردولي

ZILLAH DURRIABAD, OUDH;
The 21st November 1865.

STOLEN OR LOST.

A Government Promissory Note, No. 43042 of 1854-55, of 4 per cent. loan (on Cawnpore Treasury), for Rs. 2,000, payment of which has been stopped, as also a few testimonials, all in a box, from Dâk Garry from Lucknow *en route* to Cawnpore, near Bunthara, on the 17th October 1865. Any person giving such information as will lead to the recovery of the Note will be handsomely rewarded by

JOYNARAIN, the youngest brother
of Moonshee Ram Narain,
Old Genl. Gunj, Cawnpore.

MOONSHEE RAM NARAIN'S HOUSE, OLD GENL. GUNJ, CAWNPORE,
The 23rd November 1865.

The Sarawuk, Jaenee Hindustan Banking and Trading Company, "Limited."

Notice is hereby given that Pundit Sew Chunder has been removed from the post of temporary Deputy Manager of the above Bank at Delhi, and has no longer power to sign any documents in the Bank's name.

Lallah Chooney Lall has assumed charge of the Agency, and has power to transact any business connected with the Bank.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

DELHI BANK CORPORATION "LIMITED."

At a Special Meeting of Shareholders, held at Delhi on 20th November 1865, the proceedings of the Special Meeting of Shareholders, held on 20th October last, were confirmed.

H. P. HEALY, *Manager.* SAHUB SING, *Banker, Chairman.*

JUST PUBLISHED,

Price Ten Rupees.

The Indian Succession Act, 1865, (Act X of 1865,)
with a Commentary,
and the Parsee Succession Act, 1865, Acts XII and XIII of 1855 and the Acts relating to the Administrator General,
with Notes,
By Whitley Stokes, Esq., of the Inner Temple, Barrister-at law, and Assistant Secretary to the Government of India, Legislative Department.

R. C. LEPAGE, & Co., Calcutta.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XIV, corrected in the Office of the Adjutant General up to the 15th of October, is now ready. Price five Rupees *in advance*, and eight annas extra if sent by post. Apply to

CALCUTTA, 6, *Bankshall Street.* O. T. CUTTER, *Publisher.*

Just published—Price Five Rupees.

VOLUME II.
OF
SELECTIONS
FROM
CALCUTTA GAZETTES
OF THE
Years 1789 to 1797.
SHOWING THE POLITICAL AND SOCIAL CONDITION OF THE ENGLISH IN INDIA
SEVENTY YEARS AGO.
BY
W. S. SETON-KARR, C. S.,
Judge of the High Court of Judicature and President of the Record Commission.

Copies of Volume I. are still available, Price Rs. 3. Apply to O. T. Cutter, Military Orphan Press.

FOR SALE.

Price Five Rupees per Volume.

A COLLECTION of TREATIES, ENGAGEMENTS, and SUNNUDS, relating to India and neighbouring countries, compiled by C. U. Aitchison, B. C. S., Under Secretary to the Government of India in the Foreign Department.

VOLUME I.—Containing the Treaties, &c., relating to Bengal, Burmah, and the Eastern Archipelago. Super royal, 8vo. pp. 372, with three Maps.

VOLUME II.—Containing the Treaties, &c., relating to the North-Western Provinces, Oudh, Nepal, the Punjab, and the States on the Punjab Frontier. Super royal, 8vo. pp. 456, with two Maps.

VOLUME III.—Containing the Treaties, &c., relating to the Peishwa, Nagpoor, and Bundlecund. Super royal, 8vo. pp. 588.

VOLUME IV.—Containing Treaties, &c., relating to the States in Rajpootana, Central India, and Malwa.

VOLUME V.—Containing Treaties, &c., relating to Hyderabad, Mysore and Coorg, the Madras Presidency, and Ceylon.

VOLUME VI.—Containing Treaties, &c., relating to the States within the Bombay Presidency.

Apply to

O. T. CUTTER,
Military Orphan Press.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 49.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 9, 1865.

Home Department.

LEGISLATIVE.

The 25th November 1865.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information, by order of His Excellency the Governor-General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor-General of India for the purpose of making Laws and Regulations :—

A Bill to constitute Courts for the relief of Insolvent Debtors in the Towns of Rangoon, Moulmein, and Akyab, in British Burmah.

Whereas it is expedient to constitute Courts for the relief of Insolvent Debtors in the Towns of Rangoon, Moulmein, and Akyab in British Burmah; It is enacted as follows :— Preamble.

1. This Act shall be called "The Burmese Insolvent Debtors' Act, 1865." Short title.

2. In this Act, unless there be something repugnant in the subject or context— Interpretation Clause.

"British India" means the territories which are or may become vested in Her Majesty or her successors by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better Government of India :" "British India."

"Year" and "Month" respectively mean a year and month reckoned according to the British calendar : "Year." "Month."

"Court for relief of Insolvent Debtors," or any words of reference to the same, include each Court for the relief of Insolvent Debtors established under this Act: "Court for relief of Insolvent Debtors."

Words describing the petition of any Insolvent include the joint petition of two or more Insolvents, and all provisions as to the one shall apply to the other. "Petition."

Words importing the singular number shall include the plural; and words importing the masculine gender shall include females. "Number." "Gender."

"Person" includes any Company or Association or body of persons, whether incorporated or not : "Person."

And in every town of British Burmah in which this Act shall operate, "Court" shall mean the Court for the relief of Insolvent Debtors established under this Act in such town; and "Recorder" shall mean the Recorder appointed under Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein in British Burmah; and to establish Courts of Small Causes in the said Towns*). "Court." "Recorder."

3. Courts for the relief of Insolvent Debtors shall be holden in every town in which this Act shall operate, so often as may be found necessary by the Recorder or Recorders appointed under the said Act No. XXI of 1863 to hold Courts in such towns respectively. A Court to be holden by the Recorder once a month at least in Rangoon, in Moulmein every two months, and in Akyab every four months.

Advocates, &c., entitled to appear and plead.

4. Every Advocate, Vakeel and Attorney entitled to appear, plead, or act under the said Act No. XXI of 1863, shall be entitled to appear, plead or act in any Court for the relief of Insolvent Debtors held under this Act.

Power to Recorder to make rules.

5. The Recorder shall have power from time to time to make rules and orders to regulate the proceedings of the Court for the relief of Insolvent Debtors, and from time to time to vary and add to such rules and orders, and especially to provide in what manner notice shall be given to the creditors of parties applying for relief under this Act, and in what cases besides those mentioned in this Act costs may be awarded, and shall prepare a list of fees to be charged and received by the Officers of the said Court for the relief of Insolvent Debtors, and shall certify and transmit to the Governor-General of India in Council copies of such rules and lists of fees for his approbation, correction, or revision; and other copies of the same shall at all times be fixed in conspicuous places in the Court for the relief of Insolvent Debtors, and no other fee or gratuity shall be received or taken by any Officer, Vakeel or Attorney of such Court except such as shall be specified in such lists.

Power to Recorder to remove and appoint Officers and reduce emoluments from time to time.

6. Every Registrar appointed under the said Act No. XXI of 1863 shall be Registrar of the Court in the town for which he may be appointed Registrar, and the Recorder shall have power from time to time to appoint such other persons as may be necessary to transact the business of the Court, and from time to time to annul all or any of such appointments, and (subject to the provisions of the said Act No. XXI of 1863 respecting the removal of Officers) to remove any of such Officers and to reduce their number; and the Court shall cause to be sealed with the seal of the said Court all such records, proceedings, documents and copies of the same as are hereinafter expressly required to be so sealed and such other records, proceedings, documents and copies of the same as it shall at any time direct, and may adjourn any of its sittings from time to time, and to such time as may be requisite, and shall have power to administer oaths or solemn affirmations, and shall examine all parties and witnesses upon oath or solemn affirmation for the purposes of this Act, and the Court shall have the like powers of issuing commissions to take evidence as now are or may be hereafter possessed by the High Court of Judicature at Fort William in Bengal, and shall have the like powers of compelling the attendance of the Insolvent and all other parties at all times when their attendance may be deemed requisite by the Court, and of all witnesses or any other persons who may be able to give any information respecting the debts, estates and effects of such Insolvent, before the Court or before any Officer of such Court, and of requiring and compelling the production of books, papers, and writings as now are or may hereafter be possessed by the said High Court, or as are given to Commissioners of Bankrupts by an Act passed in the sixth year of the reign of His late Majesty King George the fourth, intituled "An Act to amend the laws relating to Bankrupts"; and the Court shall have power to order any prisoner whose estate shall be vested in any Assignee under the provisions of this Act, or any prisoner who shall be a necessary and material witness in any matter pending in the Court, to be brought before such Court or Officer as often as shall be requisite, which order alone shall be a sufficient authority and protection to the Jailor or Officer or person in whose custody he may be for the production of such prisoner; and the Court shall have the power of fining in a summary way, and of committing until such fine be paid, or of committing in the first instance without fining, all persons guilty of contempt of the same Court, and of fining in a summary way, and of removing, any of the Officers of such Court who shall be guilty of negligence, wilful or unnecessary delay, or other misconduct. Provided always, that the Court shall not have the power of awarding costs against any person, except in cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by any rules which shall be made under the provisions of this Act.

Records, &c., to be sealed with the seal of the Court.

Power to Court to adjourn sittings and administer oaths, &c.

Recorder to have the same power to issue commissions and compel attendance of Insolvents and production of books, &c., as are possessed by High Court, or as given to Commissioners of Bankrupts under 6 Geo. 4, Cap. 16.

Power to Recorder to order prisoners to be brought up as often as requisite.

Court not to award costs except in certain cases.

Persons imprisoned for debts may petition the Court for relief according to the Forms in the Schedules to this Act.

7. Any person who shall be in prison within the respective local limits of the jurisdiction of the Recorders' Courts of Rangoon, Moulmein, and Akyab, upon any process whatsoever, for or by reason of any debt, damages, costs or money which such person is solely or jointly with any other liable to pay, or for or by reason of any contempt of any Court whatsoever for non-payment of money only, or of costs taxed or untaxed, either ordered to be paid, or to the payment of which such person would be liable in clearing such contempt, or in any manner in consequence of or by reason of such contempt, or who shall reside within the jurisdiction of any of the Courts constituted under the said Act No. XXI of 1863, and, being indebted on account of any such liability as aforesaid, shall be in insolvent circumstances, may at any time apply by petition to the Court for the relief of Insolvent Debtors within the town where such Insolvent Debtor shall then be, for the benefit of the provisions of this Act, which petition may be in the Form in the Schedule (A) to this Act, or the Schedule (B) to this Act, (as the case may require), with such additions and variations as may be necessary to adapt it to the particular case; and such petition shall be subscribed by the said prisoner, and shall forthwith be filed in the said Court to which it shall be presented; and if any such persons as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by petition, in such manner as is hereinbefore mentioned, and under such joint petition the joint estate and the separate estates

of such petitioners shall be dealt with and distributed.

8. Where any such petition for relief as aforesaid shall be presented by any such Insolvent to the said Court for the relief of Insolvent Debtors, the party presenting the petition, at the same time or within such further time as the said Court may deem reasonable, shall deliver into the Court a schedule in the Form in the Schedule (C) to this Act annexed, or as near thereto as circumstances will admit, containing a full and true description as to all matters and things required to be set forth therein, so far as the same can be described or set forth, and the said Schedule shall be subscribed by such petitioner, and shall forthwith be filed in the said Court.

Party petitioning to deliver in a schedule in the Form in Schedule (C).

9. Upon the filing of any such petition as aforesaid, it shall be lawful for the Court, and the Court is hereby authorized and required to order that all the moveable and immoveable property and effects of such petitioner within British India, except the wearing apparel, bedding and other such necessaries of the petitioner and his family, and the working tools and implements of such petitioner and his family, not exceeding in the whole the value of Rupees three hundred for each petitioner with his family, and all debts due to him, and all the future estate, right, title, interest and trust of the said petitioner in or to any moveable or immoveable property or effects within British India which such petitioner may purchase, or which may revert, descend, be devised or bequeathed, or come to him, and all debts growing due to him before the Court shall have made its order in the nature of a certificate as hereinafter mentioned, do vest in the Official Assignee for the time being of the said Court, and that all books, papers, deeds and writings in any way relating to such petitioner's estate and effects in his possession, or under his custody or control, shall be deposited with such Assignee, and such order shall be entered of record in the Court; and such notice thereof shall be published as the Court shall direct; and such order, when so made, shall by virtue of this Act relate back to and take effect from the filing of the said petition, and shall instantly and without any conveyance or assignment vest all the moveable and immoveable property, effects and debts, as aforesaid, in the said Official Assignee, who shall have full powers for the recovery thereof, and shall hold and stand possessed of the same for the purposes and in manner hereinafter mentioned: Provided always, that in case, after the making of any such vesting order, the petition of any such petitioner shall be dismissed by the Court, such vesting order made in pursuance of such petition shall from and after such dismissal be null and void. Provided also, that in case any such vesting order as aforesaid shall become null and void by the dismissal of such petition, all acts theretofore done by any Assignee or other person acting under his authority, according to the provisions of this Act, shall be valid, and no suit shall be commenced against any such Assignee, nor against any person duly acting under his authority, except to recover any property of such petitioner detained after an order made by the Court for the delivery thereof, and demand made thereupon; and until the appointment of an Official Assignee as hereinafter is directed, the Registrar of the Court shall stand and be in the place of the Official Assignee, and this present Clause shall apply and have effect accordingly.

Upon filing petition, the moveable and immoveable property of petitioner to be vested in Official Assignee as Court shall direct.

In case, after making vesting order, petition be dismissed, the same to be null and void, but all acts done by any Assignee, &c., under this Act to be held valid.

10. If any person who shall be in prison within the respective local limits of the jurisdiction of the Recorders' Courts of Rangoon, Moulmein, and Akyab, charged in execution for any debt or damages, or any costs or sum of money, or committed for or by reason of any contempt of any Court for non-payment of money, or of costs taxed or untaxed, either ordered to be paid or to the payment of which such person would be liable in clearing such contempt, or in any manner in consequence or by reason of such contempt, shall not, within twenty-one days next after such prisoner shall have been so charged in execution or committed as aforesaid, make satisfaction to the creditor at whose suit such prisoner shall have been so charged in execution, or committed for such debt, damages, costs or sum of money, or to the person or persons entitled to the money for non-payment of which such prisoner shall have been in contempt, or to the payment of which such prisoner would be liable in consequence or by reason of such contempt, then and in any of the said cases it shall be lawful for any such creditor or person entitled to such money as aforesaid, to present a petition to the Court for the relief of Insolvent Debtors of the town within which such person shall have been so imprisoned, which petition may be in the Form No. 1 in the Schedule (D) to this Act annexed, with such additions or variations as may be necessary to adapt it to the particular case; whereupon, and upon such petition being duly verified, it shall be lawful for the Court to adjudge that such prisoner has committed an act of insolvency. Provided always, that it shall be lawful for the Court, upon the petition of any person adjudged to have committed an act of insolvency as aforesaid, and upon proof of notice to the creditor upon whose petition such adjudication shall have been made, to revoke or confirm such adjudication.

Lying in prison 21 days for debt shall be deemed an act of insolvency on which creditor may petition.

Court may, upon petition, revoke or confirm adjudication.

11. If any person who may, within the respective local limits of the jurisdiction of the Recorders' Courts of Rangoon, Moulmein, and Akyab, be arrested under a warrant in execution of a decree for the payment of money or in confinement under a decree, shall apply for his discharge in pursuance of any Act regulating the procedure of Courts of Civil Judicature, it shall be lawful for the Court to which such application shall be made, if it shall think fit, to decline to hear such application, and to adjudge that the person so applying has committed an act of insolvency.

Person arrested or imprisoned under a decree applying for discharge may be adjudged to have committed an act of insolvency.

12. If any person who, by 6 Geo. 4., Cap. 16, intituled "An Act to amend the laws relating to Bankrupts," or by the tenth Section of 5 and 6 Vic., Cap. 122, intituled "An Act for the amendment of the law of Bankruptcy," or any other Act now in force or hereafter to be passed, would be deemed a trader liable to become bankrupt, having been arrested or committed to prison for debt, or for or by reason of any contempt of any Court whatsoever, for non-payment of money only, or of costs taxed or untaxed, either ordered to be paid or to the payment of which such person would be liable in clearing such contempt, shall, upon such or any other arrest or commitment for debt or non-payment of money or costs as aforesaid, lie in prison twenty-one days, or having been arrested or committed to prison for any other cause, shall be in prison for twenty-one days after any detainer for debt, non-payment of money or costs as aforesaid, lodged against him and not discharged, or if any such person shall depart from within the limits of the jurisdiction of any of the said Courts established under the said Act No. XXI of 1863 with intent to defeat or delay his creditors, or with the like intent depart from his usual place of business or abode within the said jurisdiction, or make with like intent any fraudulent gift, grant, conveyance, delivery or transfer of any of his lands, tenements, money, goods or chattels, or fraudulently with like intent suffer his lands, money, goods or chattels to be taken in execution or attached, it shall be lawful for any person being a creditor, or for two or more persons being partners in trade and creditors to the amount of Rupees five hundred, or for any two creditors to whom such person shall be indebted to the amount of seven hundred Rupees, or for any three or more creditors to whom such person shall be indebted to the amount of one thousand Rupees, to present a petition to the Court for the relief of Insolvent Debtors of the town within which such person shall have been so imprisoned or have resided at the time of such departure, or of such fraudulent gift, grant, conveyance, delivery, transfer or fraudulent execution, attachment or sequestration, which petition may be in the Form No. 2 in the Schedule (D) to this Act annexed, with such additions and variations as may be necessary to adapt it to the particular case; whereupon, and upon such petition being duly verified, it shall be lawful for the Court to adjudge that such person has committed an act of insolvency: Provided always that it shall be lawful for the said Court, upon the petition of any person adjudged to have committed an act of insolvency as aforesaid, and upon proof of notice to the creditor or creditors upon whose petition such adjudication shall have been made, to revoke or confirm such adjudication.

Parties subject to the Bankrupt Laws lying in prison 21 days, or departing the jurisdiction with intent to defeat or delay their creditors, or with like intent making any fraudulent gift, &c., shall be deemed to have committed an act of insolvency, on which creditors may petition.

Court may, upon petition, revoke or confirm adjudication.

13. Every person who shall have given credit to any trader upon valuable consideration for any sum payable at a certain time, which time shall not have arrived when such trader committed any act of insolvency within the meaning of this Act, may so petition or join in petitioning as is aforesaid, whether he shall have had any security for such sum or not.

Creditor whose demand at the time of act of insolvency is not then due may petition or join in petition.

14. Upon any such adjudication being made as hereinbefore is mentioned, the Court is hereby authorized and required to make the like vesting order as hereinbefore is authorized to be made in the case of a petition by an Insolvent Debtor, which said vesting order shall in like manner be entered of record and notified as is hereinbefore mentioned, and shall, when made, take effect by relation from the filing of the petition on which the adjudication shall have proceeded; and such order shall, when made, vest in like manner all the said property and effects, right, title, and interest, trust and debts of the Insolvent in the Official Assignee, in like manner, and as fully and with the like effect as is hereinbefore mentioned, and which said vesting order shall, in case of the adjudication being for any reason revoked, be thenceforth null and void, in like manner, and with the like effect, and under the same qualifications as hereinbefore is mentioned.

On adjudication of such last mentioned act of insolvency, vesting order to take same effect as where the petition is presented by the Insolvent.

15. Provided always, that after the adjudication of an act of insolvency in any of the cases aforesaid, the Court shall direct the Insolvent to file within a time to be named by the Court, and the said Insolvent is hereby directed and required to file accordingly, a schedule in the form in Schedule (C) to this Act annexed, in the Court by which such adjudication shall have been pronounced; and the Court shall be at liberty to proceed thereupon in like manner as in the case of an Insolvent presenting a petition for relief under this Act.

And Court invested with same powers as if such Insolvent had petitioned.

16. In any case where a petition shall have been presented by an Insolvent Debtor as aforesaid, or an act of insolvency shall have been adjudged to have been committed as aforesaid, it shall be lawful for the Court, after the filing of the schedule required by this Act, if, under the circumstances, it shall appear proper, to make an interim order for the protection of the Insolvent from arrest, and any such order may apply either to all the debts or liabilities mentioned in the said schedule, or to any of them, as the Court may think proper, and may commence and take effect at such time as the Court shall direct; and any such order may be recalled and may be renewed as to the Court may appear proper; and any such order, when so made, shall protect the person to whom it shall be given from being arrested or detained in prison for any debt or liability to which such order shall apply within the limits of the towns of Rangoon, Moulmein, and Akyab respectively, or any other place in British India, and any person arrested or detained contrary to the tenor and effect of any such order shall be entitled to his discharge out of custody upon application to any Court or Judge which or who shall have power to set at large persons illegally detained in custody under the process by virtue of which such person shall have been

Powers of Court to grant interim order for protection of Insolvents.

arrested or be so detained. Provided always, that no such order shall operate as a release or satisfaction of the debt or demand of any creditor, nor prejudice the right of any such creditor to arrest the Insolvent, whether he shall or not have been previously arrested for the same debt or demand, in case the order shall be recalled, or shall fall by reason of the petition of the Insolvent being dismissed, or the adjudication being reversed.

Such order not to operate as a release, &c., in certain cases.

17. As soon as this Act shall come into operation, there shall be appointed by the Recorder at each of the said towns one person to each Court for the relief of Insolvent Debtors in each of the said towns respectively, to be the Official Assignee in all insolvencies, to be prosecuted in the said Court after this Act shall take effect, and every such Official Assignee shall at all times be, by virtue of such his appointment, and without any other assignment, an Assignee of every such Insolvent's estate and effects, together with any other Assignee or Assignees, or solely, according as there may or may not be then or afterwards any other Assignee or Assignees of such estate or effects.

Recorder to appoint an Official Assignee for each Court.

18. Every such Official Assignee shall give such security, and shall be subject to such rules, and shall act in such manner, as the Recorder shall direct by any rules and orders to be transmitted to the Governor-General of India in Council, for his approbation, correction or revision; and all the moveable property and effects, and the rents and profits of all immoveable property, and the proceeds of sale of all the estate and effects of the Insolvent, shall in every case be possessed and received by such Official Assignee alone, save where it shall be expressly directed by the Court to be possessed and received by such Official Assignee and the special Assignee or Assignees (if any), which the said Court shall have power, if it think fit, to direct; and in all cases of such receipt and possession shall, within seven days, be paid, delivered, or transferred by such Official Assignee, or such Official Assignee and other Assignee or Assignees, as aforesaid, to, and be kept in deposit in such public Bank or other safe place of deposit, and be managed and dealt with as the Recorder shall have directed or may direct by any rules or orders to be transmitted to the Governor-General in Council for approbation, correction or revision in manner aforesaid.

Official Assignees to give security, and be subject to rules made by Recorder.

Insolvents' estates to be received by Official Assignee alone, except when directed by the Court to be otherwise.

19. At any time after the making of any such vesting order as aforesaid, or after any such adjudication of insolvency as aforesaid, if any creditor or creditors of any such insolvent trader as aforesaid shall be desirous that an Assignee or Assignees of the Insolvent's estate and effects shall be chosen by the creditors, he or they shall be at liberty to apply in writing, by petition to the Court, that such election shall take place; and thereupon a time and place for such election shall be appointed by the Court; and all creditors whose debts amount to one hundred Rupees and upwards, who shall be included in the schedule as creditors, or who shall have proved their debts, shall be entitled to vote in such choice, and the choice shall be made by the major part in value of the creditors so entitled to vote; and the person or persons so elected shall be appointed by the Court a special Assignee or special Assignees of the estate of the said Insolvent; provided that any creditor shall be at liberty to give notice to any other person whose name is included in the schedule of the Insolvent as a creditor, but who shall not have proved his debt, to prove his debt before he shall be admitted to vote on such election, and in such case such party shall not be entitled to vote until he shall have proved his debt.

On application of creditors, after vesting orders, &c., Court may order an election of Assignees by the creditors.

20. The Recorder sitting as Judge of the Court may, at any time, in case of the unwillingness to act, removal from out of the jurisdiction of the Court, incapacity or misconduct of any Official Assignee, or of any Assignee appointed by the Court on the election of the creditors, or for any other cause appearing to such Recorder sufficient, by his order annul such appointment, and thereupon, or in the case of the death of any such Official Assignee or other Assignee, another shall be appointed; provided that if it be the case of a chosen Assignee such appointment shall not be made unless some creditor or creditors shall apply in writing, by petition to the said Court, that an election of another person as Assignee may be had, and thereupon the Court shall proceed in all respects in like manner, and such election shall be made, conducted and declared in all respects in like manner, as is hereinbefore directed as to the election of Assignees by creditors, and no act or thing done prior to the order whereby such appointment is so vacated shall be annulled or in any way affected.

Power of Court to remove Assignees.

Mode of appointing or electing others.

21. No remuneration whatever, whether in the shape of commission or otherwise, shall be received by any Assignee, except in the manner nor beyond the extent hereinafter allowed; (that is to say) the Recorder sitting as Judge of the Court may allow a fair remuneration to the Assignee or Assignees out of the sum to be distributed as dividends, and make an order accordingly. Provided always, that such Recorder shall not have power to order any remuneration to be made to any Assignee or Assignees chosen by the creditors, unless the creditors shall at the time of the election declare that some remuneration is to be made to the Assignee or Assignees chosen by them, and at what rate such remuneration is to be made, and in such case such Recorder shall have power to reduce, but not to increase, the amount of such last mentioned remuneration.

No remuneration to be received by Assignee, except as herein provided.

22. On every appointment of a new Assignee, the estate, effects, rights and powers which would otherwise remain or be in the former Assignee or Assignees shall immediately, by virtue of such appointment, and without any conveyance or assignment in any case whatever, vest in the actual Assignee or Assignees, in trust for the benefit of the creditors of such Insolvent, in respect of and in proportion to

Estate to vest, without conveyance or assignment, in new Assignee.

their respective debts, according to the provisions of this Act; and all books, papers, deeds and writings in any way relating to the estate and effects of the Insolvent shall be transferred to and deposited with such Assignee or Assignees as last aforesaid, and from time to time, on each change of Assignees, shall be transferred to the possession of the Assignee or Assignees for the time being of such Insolvent; and the Recorder sitting as Judge of the Court shall have power to compel any Assignee or Assignees whose appointment may be vacated, or the heirs, executors, administrators, or assigns of any person once appointed such Assignee and deceased, to account for and deliver up all such estates and effects, books, papers, writings, deeds and all other evidences relating thereto, as shall have come to his or their hands, and the decision of the Court thereupon shall be final and conclusive. Whenever any Assignee shall die, or be removed from his office, and any other Assignee or Assignees shall be appointed as aforesaid, no suit brought or defended by him or them in the character of Assignee or Assignees shall be thereby abated, but upon the suggestion of each such death, removal or new appointment, such suit shall be prosecuted or defended in the name of the existing Assignee or Assignees, and any moveable and immoveable property, money and effects, vested in or possessed by any Official Assignee, shall not remain in him if he shall resign or be removed from his office, nor in his heirs, executors, or administrators in case of his death, but shall in every such case go to and be vested in his successor in office, by relation, from the time of his resignation, removal or death, as the case may be. Every such appointment of any Assignee other than the Official Assignee shall be entered of record of the said Court, and such notice thereof shall be published as the said Court shall direct. Every such Assignee so appointed shall be liable to the control of the Court, in like manner as any Officer of the said Court.

Power of Assignees.

23. Every such Assignee as aforesaid shall with all convenient speed take possession, by himself, or by means of messengers of the Court, or by other fit and proper persons, of all the moveable and immoveable property and effects of the Insolvent of which immediate possession may be obtained, and shall use his best endeavours to seize, obtain, recover and reduce into possession, as speedily as possible, the rest of such property and effects, and all debts, claims and things in action, which by virtue of his appointment under this Act, and of the vesting order or adjudication aforesaid, he shall have been empowered to obtain, recover and get in.

After vesting order, no distress for rent previously due shall be made, but landlord to prove for the amount.

24. After any such vesting order shall be made as aforesaid, no distress for rent due before such vesting order shall be made upon the goods and effects of the Insolvent; but the landlord or party to whom the rent may be due shall be entitled to prove, in respect of such rent, whether the same shall or not be inserted in the schedule of the Insolvent, and to receive a dividend in respect of the said rent, and shall not, unless the petition of such Insolvent be dismissed or the adjudication be reversed, be entitled to distrain for the said rent.

Property in the order and disposition of Insolvent to be deemed his property.

25. If any such Insolvent shall, at the time of filing his petition, or at the time of filing of the petition on which an adjudication of insolvency shall be made, by the consent and permission of the true owner thereof, have in his possession, order or disposition any goods or chattels whereof such Insolvent is reputed owner, or whereof he has taken upon him the sale, alteration or disposition as owner, the same shall be deemed to be the property of such Insolvent, so as to become vested in the Official Assignee of the Court by the order made in pursuance of this Act; provided that no assignment or transfer of any ship or vessel, or any share thereof, made as a security for any debt either by way of mortgage or assignment, duly registered according to the provisions of any Act or Acts of Parliament now in force or hereafter to be passed, for the registering of British vessels, shall be invalidated or affected by reason of such possession, order or disposition of the same as aforesaid.

Mortgages of ships or vessels, or shares thereof duly registered, not to be invalidated or affected.

Fraudulent conveyances, &c., made by Insolvent within two months before insolvency to be void.

26. If any Insolvent who shall file his petition for his discharge under this Act, or who shall be adjudged to have committed an act of insolvency, shall voluntarily convey, assign, transfer, charge, deliver or make over any property, moveable or immoveable, security for money, bond, bill, note, money, property, goods or effects whatsoever, to any creditor or to any other person in trust for or to, or for the use, benefit, and advantage of any creditor, every such conveyance, assignment, transfer, charge, delivery and making over, if made when in insolvent circumstances, and within two months before the date of the petition of such Insolvent, or of the petition on which an adjudication of insolvency may have proceeded, as the case may be, or if made with the view or intention, by the party so conveying, assigning, transferring, charging, delivering or making over, of petitioning the said Court for his discharge from custody under this Act, or of committing an act of insolvency, shall be deemed and is hereby declared to be fraudulent and void as against the Assignees of such Insolvent.

Government stocks, funds, &c., standing in the name of Insolvent to be transferred to the name of Assignee.

27. If any such Insolvent as aforesaid shlla at any time before he shall have obtained his discharge in the nature of a certificate hereinafter mentioned be entitled to or possessed of, in his own right, any Government stock, funds or annuities, or any of the stocks or shares in any public Company in British India, it shall be lawful for the Recorder sitting as Judge of the Court, upon the application of any Assignee or any creditor of such Insolvent whose debt or demand against such Insolvent shall have been admitted or established in the matter of the said insolvency, whenever he shall deem fit so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name or names of such Assignee or Assignees as aforesaid; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things

done or permitted pursuant to such order. Provided always, that in all transfers into the name or names of any such Assignee or Assignees, the transferee or transferees shall be described as Assignee or Assignees of the estate and effects of the Insolvent, and no dividend shall be paid to, nor any future transfer made by, any person, of any such stock, funds, annuities or shares, except under a power of attorney, in the usual form required for the receipt of dividends upon or transfer of such stock, funds, annuities and shares respectively, duly executed by such Assignee or Assignees, and attested by two credible witnesses, one of whom shall be an Officer of such Court for relief of Insolvent Debtors, and to which attestation the seal of such Court shall be affixed.

Persons, holding property of Insolvent, except stocks, &c., or indebted to him, to transfer the same and make payment of debts to the Assignee.

28. In case any person shall, after any such Insolvent shall have petitioned for his discharge under this Act, or have been adjudged to have committed an act of insolvency, and before the said Insolvent shall have obtained his discharge in the nature of a certificate as hereinafter mentioned, be possessed of or have under his power or control any property whatsoever of such Insolvent, other than any such Government stock, funds or annuities as aforesaid, or other than any of the stock or shares in any public Company within British India, or to which such Insolvent may be in any way entitled, either under any trust, express or implied, or otherwise held for his use and benefit, or in case any such person shall be at any such period indebted to such Insolvent, it shall be lawful for the Court, upon the application of any Assignee or any creditor of such Insolvent whose debt or demand shall have been admitted or established in the matter of the said insolvency, to cause notice to be given to such person, directing him to hold and retain the said property till the Court shall make further order concerning the same; and thereupon it shall be lawful for the Recorder sitting as Judge of such Court further to order such person to deliver over such property, and to pay such debts as aforesaid or any part thereof, to the Assignee or Assignees of the estate and effects of such Insolvent, for the general benefit of the creditors of such Insolvent; and such delivery and payment shall be made accordingly in obedience to such order, and such person shall by such payment and delivery, so made in pursuance of such order of such Recorder, be discharged in respect of such property and debts against all persons whatsoever.

Offices, &c., held by Insolvent, if unsaleable, may be charged with proportionate payment to Assignee; if saleable, shall vest in Assignee.

29. If any such Insolvent as aforesaid shall, at any time before he shall obtain his discharge in the nature of a certificate as hereinafter mentioned, hold any public office, appointment or benefice, Civil, Military or Ecclesiastical, not saleable, or shall be in any situation or employment whatsoever in respect of which he shall receive any salary or emolument, or shall be in the receipt of any pension, then it shall be lawful for the Recorder sitting as Judge of the Court to order the said Insolvent to pay such proportion of his receipts therefrom to his Assignee as such Recorder shall think right, and all saleable offices, appointments or benefices shall vest, by virtue of the vesting order as aforesaid, in the Official Assignee in trust for the creditors of such Insolvent as aforesaid.

Powers of Assignee, with consent of creditors, to take composition, and to submit disputes, &c., to arbitration.

30. It shall be lawful for the Assignee or Assignees, with the leave of the Court first obtained, upon application to such Court, and by and with such notice to such creditors as it shall think fit to direct, to take such reasonable part of any debts due to the Insolvent as may by composition be gotten, in full discharge of such debts, and to submit to arbitration any difference or dispute between the Assignee or Assignees and any other person or persons for, or on account or by reason of any thing relating to the estate and effects of such Insolvent.

Powers of Assignee to institute and defend actions and suits.

31. It shall be lawful for the Assignee or Assignees, with leave of the Court first obtained, to commence, prosecute or defend any suits which the Insolvent might have commenced and prosecuted or defended, and to defray the costs to which he may be put in respect of such suits out of the proceeds of the estate and effects of the Insolvent; and if there be any partner of the Insolvent who shall not have joined in the petition, it shall be lawful for the Court to authorize the Assignee to join such partner with himself as plaintiff in such suit; and if such partner shall execute any release of the debt or demand for which such suit is brought, the release shall be void: Provided always, that such partner, if he shall take no part in the prosecution or defence of such suit, shall not be liable to pay costs in respect of the same; and it shall be lawful for the Recorder sitting as Judge of the Court, upon the application of such partner, to direct that he may receive so much of the proceeds of such suit as the Court shall direct.

Proviso as to persons in partnership with Insolvent.

All powers vested in Insolvent to be vested in the Assignee for the benefit of the creditors.

32. All powers vested in any such Insolvent which he might lawfully execute for his benefit shall be and are hereby vested in the Assignee or Assignees of his moveable and immoveable property by virtue of this Act, to be executed by such Assignee or Assignees for the benefit of his creditors.

Assignee to make sale of Insolvent's property.

33. The Assignee or Assignees shall with all convenient speed make sales of the property and effects of the Insolvent: Provided nevertheless, that the Court shall have full power and authority, upon the application of any Insolvent or any creditor or mortgagee of such Insolvent, to delay or postpone the sale of any property, and to make such other order respecting the same as to the Court shall seem meet.

Court may delay or postpone the sale.

Discretionary power vested in the Court as to immediate sales of property of Insolvents entitled to annuities, or contingent or uncertain interests therein.

34. And whereas Insolvents may be entitled to annuities for their own lives, or other uncertain interests, or to reversionary or contingent interests, or may have made advances of money for the cultivation of lands, or may be interested

in property in other ways; under such circumstances that an immediate sale and payment of their debts may be very prejudicial to them and to their creditors, and it may be proper in some cases to defer the sale of their property or some parts thereof, and to put it under temporary management, or to authorize the raising of money by way of mortgage or otherwise for payment of the debts or part of the debts of an Insolvent, and for defraying the expenses attending the execution of this Act, instead of selling for such purpose; in all such cases it shall be lawful for the Court at any time to take into consideration all circumstances affecting any property of the Insolvent which shall have been vested under the provisions of this Act, and if it shall appear to the Court that it would be reasonable to make any special order touching the same, it shall be lawful for such Court so to do, and to direct that so much of the said property as it may be expedient not to sell immediately according to the provisions of this Act shall not be so sold, and from time to time to order and direct in what manner such property shall be managed for the benefit of the creditors of such Insolvent, until the same can be properly sold, or until payment of such creditors be effected according to the provisions of this Act, and to make such order touching the sale or disposition or management of such property as to the Court may seem reasonable and beneficial, and upon such terms and conditions with respect to the allowance of interest on debts not bearing interest, or other circumstances, as to such Court shall seem just; and if it shall appear that the debts of any such Insolvent can be discharged by means of money raised by way of mortgage or otherwise on any of the said property of the said Insolvent, instead of raising the same by sale, it shall be lawful for the Court so to order, and to give all necessary directions for such purpose, and generally to direct all things which may be proper for the discharge of the debts of such Insolvent in such manner as may be most consistent with the interest of such Insolvent and of his creditors.

Assignees to keep accounts of the estates of the Insolvents, with liberty for creditors to inspect the same.

35. The Assignee or Assignees shall keep accounts of the property, debts and credits of such Insolvent, whether separate or joint, and of all property of the Insolvent received by him or them, and all payments made by him or them, which accounts any creditor shall be at liberty to inspect at all seasonable times, and it shall be lawful for the Court to summon the Assignee or Assignees before it, and require him or them to produce all books, papers, deeds, writings and other documents in his or their possession relating to the matters of such insolvency, and upon his or their default, it shall be lawful for the Court to issue an attachment or attachments against the party or parties so making default, and to cause such Assignee or Assignees to be brought before it and to commit such Assignee or Assignees to prison until he or they shall submit to the Court by which he or they shall have been summoned.

Penalty on Assignee improperly dealing with Insolvent's estate.

36. If any Assignee shall knowingly retain in his hands for his own benefit, or employ for his own benefit, or knowingly permit any Co-Assignee so to retain or employ any sum, part of the estate of the Insolvent, or shall knowingly omit to invest or pay or deposit any money or other property in the manner in which it may be his duty for the time being, according to law, to invest, pay or deposit the same, every such Assignee shall, besides being liable to be removed therefor from his office of Assignee for misconduct, be liable to be charged in his accounts with such sum as shall be equal to interest at the rate of twelve *per centum per annum* on the amount or value of such money or property, or if any higher interest shall have in fact been made, then to the extent of the interest actually made, and five *per centum per annum* in addition thereto on all such money or property, for the time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed as aforesaid, or during which he shall have so neglected to invest or deposit the same as aforesaid; and the Court is hereby required to charge every such Assignee in his accounts accordingly, and the amount so charged shall constitute a debt from him to such estate; and if any Assignee indebted to the estate of which he is such Assignee in respect of money so retained or employed by him as aforesaid, become insolvent, his discharge under the provisions of this Act shall only have the effect of freeing his person from arrest and imprisonment on account of such debt; but his future effects, excepting the wearing apparel, bedding and other hereinbefore mentioned articles excepted out of the operation of the vesting order aforesaid, and not exceeding the value hereinbefore limited in that behalf, shall remain liable for so much of his debts to the estate of which he was Assignee, as shall not be paid by dividends under such insolvency, together with interest for the whole amount at the rate of five *per centum per annum*.

After petition and schedule filed, and adjudication of an act of insolvency, notice to be given to creditors, and published.

37. After the petition and schedule of any Insolvent shall have been filed in the Court, and after any such adjudication of an act of insolvency shall have been pronounced as aforesaid, the Court shall cause notice thereof to be given to any creditor of the Insolvent at whose suit he may be detained in custody, or the attorney or agent of such creditor, and to the other creditors resident within British India as the Court shall direct; and notice to the like effect shall be twice at least published in the Official Gazette, and the Court in such notice shall appoint a day and place for the hearing by the Recorder sitting as Judge of such Court, of the matters of the petition of such Insolvent, and for hearing any other applications in the matter of the insolvency.

Court in such notice to appoint a day for hearing.

Course of proceeding on hearing.

38. Upon the day so appointed by the Court as aforesaid for such hearing as aforesaid, or on any future day to which such hearing may be adjourned, it shall be lawful for the Insolvent, and for any creditor of the Insolvent, as the case may require, to be heard, either by himself or by Counsel, in support of or in opposition to the petition of the Insolvent, or on any other application relating to the Insolvent or his estate; and it shall also be lawful for the Recorder sitting as Judge of such Court on those or any other occasions, and from time to time as often as occasion may require, to order any Insolvent who is in custody to be brought before him, and to summon any Insolvent who shall not be in custody, and the wife of any Insolvent, and any other person, whether a creditor or not, who may be

known or suspected to have any of the estate or effects of the Insolvent in his or her possession, or any person who may be suspected to be indebted to the Insolvent, or any person who is believed to be capable of giving any information respecting the estate and effects of such Insolvent, or respecting his acts, dealings or conduct, or any information which will more easily enable the Court to dispose of the estate and effects of the Insolvent for the benefit of his creditors; and it shall also be lawful for the Court to examine any Insolvent or his wife or any other such person, whether a creditor or not, in the same way as any other witnesses are examined in the Courts established under the said Act No. XXI of 1863 in any suits, or according to any rules which may be made for the practice of the said Courts for the relief of Insolvent Debtors respectively, or for giving effect to this Act, in the manner which is herein prescribed: Provided always, that every witness summoned to attend before the Court shall have his necessary expenses tendered to him in like manner as is required by the Code of Civil Procedure upon service of summons to a witness in a suit.

Court may admit affidavit instead of personal appearance in case of sickness, &c.

39. In all cases where any creditor or other person shall be prevented or hindered from attending the Court, by reason of sickness or infirmity, or the distance of his residence, or other reasonable cause, to be admitted by the Court, it shall be lawful for the Court to receive the affidavit or solemn affirmation of such creditor or other person, and also, if the Court shall think fit, to permit interrogatories to be filed for the examination or cross-examination of any such person.

Creditor whose name is not included in the schedule may claim and prove his debt, and receive dividends thereon.

40. When any petition shall have been presented under this Act by an Insolvent, or any adjudication of an act of insolvency shall have been pronounced as aforesaid, it shall be lawful for any person to whom any such Insolvent shall be indebted or liable in respect of any debt or demand which would have entitled such person to be inserted as a creditor in the schedule of such Insolvent, to make claim upon the estate of such Insolvent, and to prove his debt or demand, whether due by such Insolvent solely or jointly with any other person or persons; and such persons shall be entitled to and receive a dividend thereon rateably with the other creditors of the said Insolvent, although the name of such creditor may have been wholly omitted by the said Insolvent in his or her schedule, or may have been inserted for a smaller amount than the debt or demand really due to such person; and where any objection to the existence or amount of such debt or demand shall be made by such Insolvent, or any creditor, the Recorder sitting as Judge of the Court shall hear the same, and may make such order thereon as may seem just.

Mutual demands may be set off against each other.

41. When there has been mutual credit given to the Insolvent and any other person or persons, one debt or demand may be set against the other.

All debts, &c., proveable under fiat in Bankruptcy pursuant to 6 Geo. 4, Cap. 16, may be proved under insolvency.

42. All such debts, dues and claims as might be proved under a fiat of Bankruptcy bearing even date with the Insolvent's petition, or the adjudication (as the case may be), according to the provisions of the said Act passed in the sixth year of the reign of His late Majesty King George the fourth, intituled "An Act to amend the law relating to Bankrupts," or any other Statute or Statutes now in force or hereafter to be passed relating to Bankrupts, may also be proved as is hereinbefore mentioned, in the same manner and subject to the like deductions, conditions and provisions, as in the said Statutes are or may be set forth and prescribed.

Power to Court to order dividends to be declared, giving notice of the same.

43. Whenever it shall appear to the Court, either by the accounts of any Assignee or Assignees, or otherwise, to be probable that a dividend may be beneficially made amongst the creditors, it shall be lawful for the Court to appoint a day for the purpose of making a dividend, and to cause notice thereof to be given, in such manner as it shall direct; and on the day appointed the Assignee or Assignees shall deliver in, upon oath or solemn affirmation, as the case may be, a true statement in writing of all money received by him or by them respectively, and when, and on what account, and how the same have been employed; and the Court shall examine such statement, and compare the receipts with the payments, and shall ascertain what balances, if any, have been from time to time in the hands of such Assignee or Assignees respectively; and on the said day all parties interested shall be heard, and all objections to the schedule of the Insolvent, and to the accounts or conduct of the Assignee or Assignees; and any claims of any creditors which shall not have been previously determined shall be heard and determined either by such Court immediately, or on a reference to some Officer of the Court; and it shall be lawful for the Court to examine the Insolvent, the Assignees, and any witnesses, either on oath or affirmation, and either at that time to declare a dividend, and to direct that the same shall be paid by the Assignee or Assignees, or to postpone such declaration or direction of the same until a further hearing, and to make such order as shall be just.

As to payment of dividends out of separate estates to joint creditors, and out of joint estates to separate creditors.

44. Provided always, that it shall not be lawful for the Court to order any dividend to be made amongst the joint creditors out of the separate estate until the separate creditors shall have been paid in full, nor to order any dividend to be made to the separate creditors out of the joint estate until all the joint creditors shall have been paid in full; in which latter case it shall be lawful for the Court to order such dividend to be made among the separate creditors out of such interest in the joint estate as such Insolvent shall appear to be entitled to.

Unless the Court is satisfied that all the estate of the Insolvent is within British India, and all debtors and creditors reside therein, Assignee to reserve one-third part undivided until after twelve months' notice, to be published in the *London Gazette*.

45. Provided always, that unless it shall appear to the satisfaction of the Recorder sitting as Judge of such Court that all the property of the Insolvent is situate, and all the debtors and creditors resident, within British India, then, until the expiration of twelve months from a notice to be published in the *London Gazette* of the petition or adjudication of or against any Insolvent as hereinafter is mentioned, the Assignee or Assignees shall reserve

the full amount of one-third part of all the property of the said Insolvent which shall have been got in, and shall make a dividend amongst the creditors of the said Insolvent to the amount of the remaining two-third parts only, which third part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such way as such Court shall order, and shall not remain in the hands of such Assignee or Assignees; and at the expiration of the said term of twelve months, it shall be lawful for the Assignee or Assignees of such Insolvent to apply to the Court for a return of the said third part so reserved as aforesaid, in order that the same may be so distributed amongst the creditors as to place them all upon an equal footing; and upon such third part so reserved as aforesaid being restored to such Assignee or Assignees, he or they shall forthwith proceed to take an account of the debts of the said Insolvent admitted and established in the Court, and of the sum or sums which shall or may have been paid by way of dividend to any of such creditors, and shall distribute the fund then in the hands of such Assignee or Assignees, so as to place all the creditors of the said Insolvent, whether Indian or British or Foreign, upon a just and equal footing, and so as that every creditor whose debt or claim shall be admitted or established in the Court shall receive a rateable and proportional part of the assets of the said Insolvent according to the amount of his debt, without reference to the time at which such debt shall have been claimed.

At expiration of twelve months such one-third part to be divided.

46. If any creditor whose claim shall have been admitted or established in the Court shall not appear, by himself, his Vakeel, Attorney or Agent, at the making of any dividend, nor shall make application to receive his share thereof, the Assignee or Assignees shall certify the same to the Court at its first sitting after the making of the dividend, and it shall be lawful for the Court to direct in what manner, and by whom, and upon what conditions the money so due to such creditor shall be kept for or paid to him or to his lawfully constituted Vakeel, Attorney or Agent.

If creditors do not appear to claim dividend, Court may order payment or deposit thereof, in such way as it shall see fit.

47. If any Assignee or Assignees shall neglect to pay any dividend which shall have been ordered by the Court, or in any other respect shall neglect or commit any breach of his or their duty as Assignee or Assignees, it shall be lawful for the Court, having first summoned the Assignee or Assignees to appear before it and answer the same, to order the payment of such dividend, with interest at such rate as the Court shall award, not exceeding eight *per centum per annum*, and to order the Assignee or Assignees to make such compensation to any party injured by such neglect or breach of duty as to the Court shall seem fit, and in default of obedience thereto to commit such Assignee or Assignees to the common Jail, there to remain without bail until he or they shall obey the order of the Court, and to levy by distress and sale of the offender's goods as much as shall be sufficient to satisfy the order of the Court.

Power of Court over Assignees neglecting to pay dividends or committing breach of duty as such Assignees.

48. If it shall appear to the Court that any such Insolvent as aforesaid is indebted to any servant or clerk of such Insolvent in respect of wages or salary of such servant or clerk, it shall be lawful for the Court to order so much as shall be due as aforesaid, not exceeding six months' wages or salary, to be paid to such servant or clerk out of the estate of such Insolvent, and such servant or clerk shall be at liberty to prove and receive dividends for any sum exceeding such last-mentioned amount.

Court may award wages, &c., to servants or clerks, not exceeding six months, with power to prove for any sum beyond the same.

49. Upon application to the Court for that purpose, it shall be lawful for the Recorder sitting as Judge of the Court to declare that the Insolvent is entitled to his personal discharge under this Act, and to order the same accordingly. Such order of discharge shall have the effect of protecting his person from arrest in respect of all demands inserted in his schedule or established in the same Court. If such Insolvent be in custody, it shall be lawful for the Recorder sitting as aforesaid to order his immediate discharge from custody accordingly, or to dismiss or give leave to amend the petition aforesaid, or to order the Insolvent to amend his schedule, or to adjourn the hearing until a future day, or to make a reference to some Officer of the Court to make inquiry into any matter of account, or into the truth of the schedule or schedules, and to report thereon to the Court; and it shall also be lawful for such Recorder to remand the Insolvent to prison, if a prisoner, until a further hearing or until a further time to be named in such order, or to commit the Insolvent to custody for any debt or demand, if he shall not be in custody at the time of the hearing, and to cancel or renew any such order as is hereinbefore mentioned, which may have been given for the purpose of affording interim protection to the Insolvent from arrest, and to order and direct that the Assignee shall make some reasonable allowance for maintenance of the Insolvent until final order, the amount of which shall be fixed by such Recorder, and shall not exceed five Rupees per week; and the Court by which any order of discharge shall be made upon any such hearing as is hereinbefore mentioned, shall by such order direct that the Assignee shall give such notice of such order as to the Court shall seem fit.

Court may, by order of discharge, protect Insolvent, or discharge from custody, or dismiss, &c., petition, or order to amend schedule, or adjourn the hearing, &c.

Court may remand Insolvent to prison, &c., and order an allowance for maintenance.

50. The discharge of any such Insolvent as aforesaid shall and may extend to any sum or sums of money which shall be payable, by way of annuity or otherwise, at any future time or times, by virtue of any bond, covenant or other security whatsoever, and to any sum or sums of money payable at a certain time, which time shall not have arrived at the time of the act of insolvency or petition of such Insolvent; and every person who would be a creditor of such Insolvent for such sum of money, if the same were

Discharge to extend to any sums payable by Insolvent by way of annuity at any future time, &c.

Persons who would be creditors, if monies were presently due, entitled to benefit of provisions of this Act.

presently due, shall be admissible as a creditor of such Insolvent for the value of such sum of money so payable as aforesaid, which value the Court shall, upon application at any time made in that behalf, ascertain; and such creditor shall be entitled in respect of such value to the benefit of all the provisions made for creditors by this Act, without prejudice, nevertheless, to the respective securities of such creditor, excepting as respects such Insolvent's discharge under this Act, and the discharge by virtue of this Act as to any debt or demand of any creditor of the Insolvent shall be deemed to extend also to all costs incurred by such creditor before the insolvency in any suit for the recovery of the same, and to any process of contempt for enforcing the same, and to all costs which the Insolvent would be liable to pay in clearing such contempt; and all persons as to whose demands for any such costs as aforesaid the discharge of the Insolvent is so to extend shall be deemed creditors of the Insolvent in respect thereof, and entitled in respect thereof to the benefit of all the provisions made for creditors by this Act, subject nevertheless to ascertaining the amount of such demands by taxation or otherwise.

Discharge to extend to costs incurred before insolvency.

51. If after the filing of any Insolvent's schedule in the Court and before such Insolvent shall obtain his discharge in the nature of a certificate hereinafter mentioned, any suit shall be pending against the Insolvent, his heirs, executors or administrators, in any Court in British India, or any execution or process shall be sued out or issued from any such Court, or be enforced against such Insolvent, his heirs, executors or administrators, for or in respect of any debt or demand admitted in the schedule of the Insolvent or disputed as to amount only, the said Court in which such suit shall be pending, or from which such execution or process as aforesaid shall issue, on proof to its satisfaction that such suit, execution or process, is in respect of the debt or demand aforesaid, may stay the proceedings in such suit so far as the same respects the said debt or demand, until further order of the said Court, and may set aside or suspend such execution or process, so far as the same respects the said debt or demand, until further order of the said Court as it shall think fit; and in such case the plaintiff shall pay all costs reasonably incurred by such Insolvent, his heirs, executors or administrators by reason of such proceedings, and such execution and process as aforesaid subsequent to such plaintiff's having notice of his debt or demand being included in such schedule as aforesaid: Provided always, that no prisoner whose estate shall by an order under this Act have been vested in the said Official Assignee, shall, after such order and whilst the same is in force, be discharged out of custody otherwise than under the provisions of this Act, as to any suit or process, or concerning any demand with respect to which an order of discharge can, under the provisions of this Act, be made; nor shall such suit or process abate, be discontinued, terminated or dismissed, or the plaintiff be in any way subject to pay costs by reason merely of his not having taken any further step in such suit or process, or his forbearing to proceed with the same, after such vesting order as aforesaid.

Suits against the Insolvent pending at the time of insolvency, and all proceedings therein, may be stayed, so far as relate to debts contained in Insolvent's schedule.

No prisoner whose estate is vested in Assignee to be discharged as to certain suits, &c., except under this Act.

52. In case it shall appear to any Court constituted under this Act for the relief of Insolvent Debtors, that any such Insolvent has fraudulently, with the intent to conceal the state of his affairs or to defeat the objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the production of any book, paper or writing relating to such of his affairs as are subject to investigation under this Act, or kept or caused to be kept false books, or made false entries in, or withheld entries from, or wilfully altered or falsified any such book, paper or writing, or that such Insolvent has fraudulently, with intent of diminishing the sum to be divided among his creditors or of giving an undue preference to any of the said creditors, discharged or concealed any debt due to or from the said Insolvent, or made away with, charged, mortgaged or concealed any part of his property, of what kind soever, the Recorder sitting as Judge of such Court shall have power to adjudge that the Insolvent shall be imprisoned for a period or periods not exceeding two years in the whole, as such Recorder shall direct, and to declare him entitled to his discharge as aforesaid at the expiration of the term of imprisonment to which he shall be sentenced, and by warrant under the seal of the Court to order him to be arrested and committed to prison, and there to be detained accordingly.

Penalty on Insolvent fraudulently concealing his effects or destroying or falsifying books or giving undue preference.

53. In case it shall appear to the Recorder sitting as Judge of any such Court, that such Insolvent shall have contracted any of his debts fraudulently, or by means of breach of trust, or by means of false pretences or without having any reasonable or probable expectation at the time when contracted of paying the same, or shall have fraudulently or by means of false pretences obtained the forbearance of any of his debts by any of his creditors, or shall have put any of his creditors to any unnecessary expense, by any vexatious or frivolous defence or delay, to any suit for recovering any debt or any sum of money due from such Insolvent, or shall be indebted in costs incurred in any suit vexatiously brought or defended, or shall be indebted for damages recovered in any suit for criminal conversation with the wife, or for seducing the daughter or servant of the plaintiff in such suit, or for breach of promise of marriage made to the plaintiff in such suit, or for damages recovered in any suit for a malicious prosecution, or for a defamation or assault as defined in the Indian Penal Code, or malicious arrest, or in any other suit for a malicious injury done to the plaintiff therein, or in any suit of tort or trespass to the person or property of the plaintiff therein, wherein it shall appear to the satisfaction of such Recorder that the injury complained of was malicious, or if it shall appear that the Insolvent's whole debts so greatly exceed his means of providing for the payment thereof during the time when the same were in the course of being contracted, reference being had to his actual and expected property, as to show gross misconduct in

Insolvents fraudulently, vexatiously, frivolously or maliciously contracting certain debts, not entitled to discharge.

contracting the same, then and in every such case it shall and may be lawful for such Recorder to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to any debts, sum or sums of money, or damages to be specially mentioned in the order, and as to such debt or debts, sum or sums of money, or damages, to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid as soon as he shall have been in custody at the suit of the person or persons who shall be creditor or creditors for the same respectively, for such period or periods, not exceeding two years in the whole, as such Recorder shall direct.

Where Insolvent is ordered to be discharged after imprisonment, he may still be liable to be arrested and charged in custody at the suit of certain creditors.

54. In all cases where it shall have been ordered that any such Insolvent shall be discharged from imprisonment as aforesaid at some future period, such Insolvent shall be subject and liable to be detained in prison, and to be arrested and charged in custody, at the suit of any one or more of his creditors with respect to whom it shall have been so ordered, at any time before such period shall have arrived, in the same manner as he would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such period shall have arrived, such Insolvent shall be entitled to the benefit and protection of this Act, notwithstanding that he may have been out of actual custody during all or any part of the time mentioned in such order, by reason of such Insolvent not having been arrested or detained during such time, or any part thereof.

Where Insolvent liable to further imprisonment at the suit of creditors, Court may order detaining creditor to allow him a sum for maintenance.

55. In all cases where such Insolvent shall, upon such order as aforesaid, be liable to further imprisonment at the suit of his creditors or any of them, it shall be lawful at any time for the Court by which such order shall be pronounced, on the application of such Insolvent, to order such creditor or creditors at whose suit he shall be so imprisoned to pay to such Insolvent such sum or sums not exceeding the rate of five Rupees by the week in the whole, at such times, and in such manner, and in such proportion, as such Court shall direct, and in failure of payment thereof, as directed by such Court, such Court shall order such Insolvent to be forthwith discharged from custody at the suit of the creditor or creditors so failing to pay the same.

Creditor opposing discharge of Insolvent to have his costs allowed him out of the estate in certain cases; if opposition frivolous or vexatious, Court may award costs against such creditor.

56. Whenever any creditor opposing such Insolvent's discharge shall prove to the satisfaction of the Recorder sitting as Judge of such Court that such Insolvent has done or committed any act for which he may be liable to remain in such custody as aforesaid, it shall be lawful for such Recorder to order the costs of such opposition to be paid to such opposing creditor or creditors out of the estate and effects of such Insolvent, by his or her Assignee or Assignees, before any dividend made thereof; and in all other cases of opposition to an Insolvent's discharge being substantiated or effectual, it shall be lawful for such Recorder to adjudge in like manner; and in case it shall appear to such Recorder that the opposition of any creditor to any such Insolvent's discharge was frivolous and vexatious, it shall and may be lawful for such Recorder to award such costs to such Insolvent as shall appear to be just and reasonable, to be paid by the creditors making such opposition, which shall be paid accordingly.

Where order has been issued for discharge of Insolvent, the Court may also discharge him as to any arrest or detainers that may be lodged against him in respect of the same.

57. Where in the matter of any such petition heard before any such Court, any order shall have been made by such Court for the discharge of any Insolvent, such Court shall also issue a warrant or warrants to the Gaoler accordingly, ordering the discharge of such Insolvent from custody, as to any arrest or detainers under which he may then be confined or which may be lodged against him before he shall be out of custody, the same being for debts in respect of which such order of discharge shall have been made, and every such order of discharge shall take effect as from the day on which it was pronounced, and every such order may be made without specifying therein any such debt or sum of money, or claims as aforesaid, or naming therein any such creditor as aforesaid, excepting so far as shall be necessary in any case in order to distinguish between the creditors as to whom any such Insolvent may be ordered so to be discharged as aforesaid forthwith, and the creditors as to whom he may be ordered to be so discharged at some future period. Provided nevertheless, that in all cases the arrest or detainer with respect to which any such Insolvent shall have been ordered to be discharged out of custody, he being then in custody thereupon, shall be specified in the warrant of such Court, to be delivered to the Gaoler in that behalf.

Such order for discharge, except in cases of appeals, shall be final and conclusive unless obtained fraudulently.

58. Every such order for discharge of any Insolvent as aforesaid by any such Court as aforesaid, except in cases of appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless the Recorder sitting as Judge of such Court shall thereafter see good and sufficient cause to believe that such order has been made on false evidence, or has been made by reason of an improper suppression of evidence, or of any false statements in the Insolvent's schedule, or has otherwise been fraudulently obtained, in which case it shall and may be lawful for the Recorder sitting as Judge of such Court, upon the application of such Insolvent, or of any creditors of such Insolvent, to order such Insolvent, upon due notice to be given to such persons and in such manner as the Court shall direct, to attend or to be brought up, and the said matter to be reheard before the Recorder sitting as Judge of such Court, who shall thereupon re-hear the same, and shall and may, if just cause shall appear, annul the original order made in such case, and shall have the same powers and authorities upon such rehearing as upon an original hearing in pursuance of this Act, and may adjudicate in such matter accordingly; and thereupon, in case the former order in the said matter shall not be confirmed, such order, certificate and warrant, so far as cir-

cumstances require, shall be made as required by this Act to be made in the case of the original order; and such Recorder shall and may, if necessary, remand the said Insolvent to the same custody in which he or she was at the time of the former hearing, there to be subject to imprisonment as if the former order therein had not been made; and thereupon all detainers which were in force against such Insolvent at the time of his or her former discharge from custody, shall be deemed to be still in force against him or her as if such former order had not been made; and the Gaoler or keeper of the prison to which such Insolvent shall be so remanded shall and is hereby required to receive such Insolvent into his custody in pursuance of such remand, for doing which the order of remand in such case shall be his sufficient warrant; and where in any case such Insolvent shall refuse or neglect to appear before such Court according to such order for re-hearing as aforesaid, a copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for the Court to order such Insolvent to be apprehended and committed to custody to such prison, and to issue its warrant accordingly, and to cause such Insolvent to be brought up for examination as often as to the Court shall seem fit. Provided always, that where upon such re-hearing it shall appear to the Recorder sitting as Judge of such Court that such Insolvent is not entitled to the benefit of this Act until some future period, according to the provisions herein contained, such Recorder shall and may, if it shall appear reasonable, adjudge the discharge of such Insolvent at such future period, to be calculated without including the time during which such Insolvent shall be out of custody since the time appointed for his or her discharge by such former order as aforesaid.

If order issued erroneously, Court may revoke, annul, suspend or amend the same, and recommit the prisoner.

59. Provided always, that if in any case an order for the discharge of any such prisoner shall have issued erroneously, and which is not pursuant to the intended order of the Court in that behalf, it shall be lawful for the Recorder sitting as Judge of the Court, on such error being shown to him, to revoke such order, and to annul, suspend or amend the same, and, if necessary, to re-commit such prisoner to his former custody, when by such order he shall have been discharged therefrom; and the Gaoler or keeper of the prison to whose custody such prisoner shall be so re-committed is hereby required to receive such prisoner into his custody, according to such re-commitment, and thereupon all detainers which were in force against such prisoner at the time of such discharge as aforesaid shall be deemed to be still in force against him as if such erroneous order had not issued.

On request of Assignee, Insolvent may at any time, although discharged, be further examined touching his estate.

60. It shall and may be lawful to and for the Assignee or Assignees from time to time, although an order for the discharge of the Insolvent may have been made, to apply to the Recorder sitting as Judge of the Court that such Insolvent may be further examined as to any matter or things relating to his estate and effects by such Recorder, and thereupon it shall be lawful for the Court to order the same; and in case such Insolvent shall neglect or refuse to appear before the Court at such time and place as shall be directed by such order, or shall refuse to be sworn, or to answer to such questions as shall be put to him relating to the discovery of his said estate and effects, then and in any of such cases it shall be lawful for such Recorder by warrant to commit such Insolvent to Jail, there to remain without bail or mainprize, until such time as he shall submit himself to the order of the Court in that behalf, and shall answer upon oath or otherwise, as shall be required, to all such lawful questions as shall be put to him in pursuance of the same for the purposes aforesaid.

Penalty on Insolvent refusing to appear.

Where estate pays one-third of Insolvent's debts, or where creditors to that amount consent, Court may grant an order *nisi* for final discharge of Insolvent, appoint time for hearing, and direct notices to be given.

61. Whenever it shall appear that the estate of any Insolvent which has come to the hands of his Assignee has sufficed to pay one-third of his debts admitted or established in the matter of the said insolvency, or that a majority in number and value of the creditors whose debts are admitted by the schedule, or established by proof, have consented to such application, it shall be lawful for the Recorder sitting as Judge of the Court, at any time after the hearing of his petition, upon the application of the Insolvent by petition, which may be in the form contained in the Schedule (E) to this Act annexed, with such variations as the case may require, to make an order *nisi* for his discharge in the nature of a certificate, and such order shall specify the creditors whose demands are thereby sought to be discharged, and shall appoint a time for the further hearing of the said petition, and shall direct such notice to be given of such order in the meantime as it shall think fit, and in case any of the creditors against whom such discharge shall be sought shall appear to such Recorder to be resident without the limits of British India, to cause notice of such order, or of so much thereof as may appear necessary, to be inserted in the Official Gazette; and the Secretary of the Chief Commissioner of British Burmah shall thereafter, without delay, transmit copies of such Gazette containing such notice as aforesaid by separate conveyances to the Secretary of State for India, so that an extract from such Gazette containing such notice may be inserted in the *London Gazette*, and upon the further hearing of such petition, it shall be lawful for the said Court to make such order absolute, or to dismiss such petition, or to adjourn the further hearing thereof, or to make such order therein as shall be just; and such discharge, unless order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired property, from the demands of all the creditors named in the said order *nisi*: Provided always that such order shall not affect any creditor without the limits of British India, unless notice of the said order *nisi* shall have been directed to be given in the Gazette in manner aforesaid, and a period of twelve months shall have elapsed between the date of the said order *nisi* and the date of the said order to make the same absolute: Provided also that such order shall not operate as a release or discharge of any person who was a partner with such Insolvent, or jointly bound or liable with him.

Court may, upon application of Insolvent trader, provided he has filed his schedule, make an order *nisi* for his discharge, appoint a time for hearing, and direct notices to be given.

62. It shall be lawful for any Insolvent Debtor being such trader as hereinbefore is mentioned, who shall have presented a petition under this Act, or as to whom an adjudication that he has committed an act of insolvency shall have been made under this Act, provided he shall have filed his schedule, to apply to the Court by petition, which may be in the Form contained in the Schedule (F) to this Act annexed, with such variations as the case may require; and it shall be lawful for the Recorder sitting as Judge of such Court, upon such petition, to make an order *nisi* for his discharge in the nature of a certificate, and to appoint a time for the further hearing of the said petition, and to direct such notices to be given of such order in the meantime as it shall think fit, and in case any of the creditors against whom such discharge shall be sought shall appear to such Recorder to be resident without the limits of British India, to cause notice of such order to be inserted in the Official Gazette; and the Secretary to the Chief Commissioner of British Burmah shall thereafter without delay transmit copies of such Gazette containing such notice as aforesaid by separate conveyances to the Secretary of State for India, so that an extract from such Gazette containing such notice may be inserted in the *London Gazette*, and upon the further hearing of the said petition, it shall be lawful for such Recorder to make such order absolute, or to dismiss such petition, or to adjourn the further hearing thereof, or to make such order therein as shall be just; and such discharge, unless such order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired property, from all demands which would be discharged by a certificate under the Bankrupt Laws, granted under a fiat bearing even date with the Insolvent's petition, or with the adjudication, as the case may be: Provided always, that such order shall not affect any creditor without the limits aforesaid, unless notice of the said order *nisi* shall have been directed to be given in the *London Gazette* in manner aforesaid, and a period of twelve months shall have elapsed between the date of the said order *nisi* and the date of the said order to make the same absolute: Provided also, that such order shall not operate as a release or discharge of any person who was partner with such Insolvent, or jointly bound or liable with him.

If Insolvent, discharged by such order, be again sued in respect of former debts, Court may, on his application, order proceedings to be stayed and award costs.

63. If any such Insolvent, his heirs, executors or administrators shall, after such order for discharge in the nature of a certificate under this Act as aforesaid, be sued or arrested, or execution shall issue against his or their property for any debt, claim or demand from which the said Insolvent shall have been discharged by such order, on his or their application to any Court having power to stay such proceedings, or to discharge from such arrest, or to set aside such execution, and upon proof to the satisfaction of such Court of such order, and that the debt or claim for which such proceedings are had is the same from which the said Insolvent has been discharged by such order as aforesaid, such proceedings shall be stayed, and he or they shall be discharged from such arrest, and such process of execution shall be set aside, and all further proceedings in the suit in which such arrest or such execution was shall also be stayed, and the Court shall have power to award costs to the said Insolvent, or his heirs, executors or administrators, as aforesaid, in case the said proceedings shall appear to the Court to have been taken after notice of the said order, and without any reasonable cause for impeaching the same, or to have been otherwise oppressive or vexatious.

Nothing in this Act to affect debts, penalties, &c., due to the Crown.

64. Provided always, that no debt due to Her Majesty the Queen, nor any fine, penalty or forfeiture whatsoever, nor any recognizance whereby a debt is acknowledged to the Queen, nor any debt due on account of any fine, penalty, or forfeiture, or any estreat, shall be deemed or taken to be such a debt as to entitle any person to petition as is before mentioned, nor shall any person be entitled to receive any dividend for the same under this Act, nor shall any such fines, penalties, forfeitures, recognizances, debts or estreats be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

Special provisions for insolvent married women.

65. The provisions of this Act shall extend to married women, and the order vesting the estate and effects of every such married woman in the Official Assignees hall extend to and operate upon her interest in any property, moveable and immoveable, in possession, reversion, remainder or expectancy, subject to any rights of her husband therein, and to all property over which she shall have any beneficial power of disposition, notwithstanding her coverture, to the extent of the benefit which she might acquire therein by the exercise of such power; but the same shall not extend to her wearing apparel, bedding, and other such necessaries not exceeding in the whole the value of two hundred Rupees: Provided always, that the discharge of any married woman under the provisions of this Act shall not extend to discharge her husband from any debt in respect of which his wife shall be so discharged, but such debt, as far as the same shall remain unpaid and unsatisfied, shall be chargeable upon, and in force against such husband, as fully to all intents and purposes as if his wife had not obtained such discharge.

And for insolvent Lunatics.

66. If any such prisoner for debt as aforesaid shall be or become of unsound mind, and be therefore incapable of taking the benefit of this Act in such manner as he might have done if of sound mind, the Gaoler or keeper of the prison wherein such prisoner shall be, shall give information thereof to the Court for the relief of Insolvent Debtors of the town wherein such prison shall be situated, which Court may thereupon proceed to inquire touching and respecting the state of the prisoner's mind, by examination of witnesses upon oath or solemn affirmation, or by such other means as it shall think fit, and if the Court shall conclude that the prisoner is of unsound mind, it shall be lawful for the Court, at the instance of any person on behalf of such prisoner, to order notice to be twice inserted

in the Official Gazette, and in such notice to specify and direct that application shall be made to such Court for the discharge of such prisoner on a day to be specified in such notice, being twenty days at least from the first time of publication of such notice, which notice, together with service of the notice on the creditor or creditors at whose suit such prisoner shall be detained in custody, or his, her, or their Vakeel or Attorney shall be deemed sufficient to authorize the Court to proceed to the discharge of such prisoner, and the Recorder sitting as Judge of such Court, in case it shall appear to him that such prisoner is of unsound mind, shall proceed accordingly, and discharge such prisoner: Provided always, that all and every the estate, right, title, interest, power, benefit and emolument whatsoever, which would vest in the Official Assignee under a vesting order in the case of a petition by such Insolvent if he were of sound mind, shall, by force and virtue of the order for the discharge of such prisoner, be vested in the Official Assignee in the manner and for the purposes hereinbefore mentioned.

Affidavits and affirmations may be sworn, &c., before Courts, &c., appointed for that purpose.

67. Affidavits and affirmations to be used before any Court for the relief of Insolvent Debtors, or any Officer of such Court, may be sworn and affirmed before such Court, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits or affirmations in any of Her Majesty's Courts of Record within the limits of British India, or before any person in Great Britain or Ireland authorized to take affidavits or affirmations.

Penalty for perjury, or for forging or counterfeiting the seal of any Court.

68. If any person, in any proceeding, examination, affidavit or affirmation had or taken under this Act, shall intentionally swear or affirm falsely, or shall forge or counterfeit the seal of any of the said Courts, or knowingly concur in using any such forged or counterfeit seal, for the purpose of authenticating any proceedings or document, he shall be punished with imprisonment of either description, as described in the Indian Penal Code, for a term which may extend to seven years, and shall also be liable to fine.

Penalty for embezzlement or concealment of effects, books, papers, &c.

69. If any Insolvent who shall have filed a petition for relief, or against whom any such adjudication as aforesaid of an act of insolvency shall have been made in any of the said Courts for the relief of Insolvent Debtors, or any other person, shall wilfully and fraudulently embezzle or conceal or remove any part of the moveable or immoveable property or effects of such Insolvent or any books of account, papers or writings relating thereto, with intent to defraud his creditors, or shall destroy, alter, mutilate or falsify any of his books, papers, writings or securities, or make or be privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors, the person convicted of any such offence shall be punished with imprisonment of either description, as described in the Indian Penal Code, for a term which may extend to seven years, and shall also be liable to fine.

Application of fines imposed for the foregoing offences.

70. Whenever any person shall have been ordered and adjudged under the provisions of this Act to pay any fine for any offence hereinbefore mentioned, and such fine shall have been paid, it shall be lawful for any Assignee or Assignees in whom the estate and effects of any Insolvent shall be duly vested according to the provisions of this Act to apply to the Court by which such fine shall have been imposed; and if it shall be proved to the satisfaction of the same Court that the creditors for whose benefit the said Assignee or Assignees shall hold in trust the said estate and effects have been defrauded, or have incurred loss by means of any such offence as aforesaid, the said Court by which the said fine shall have been imposed may direct the same to be paid, after deducting the costs of prosecution, to the said Assignee or Assignees for the use and benefit of the said creditors. Provided always, that if no such application shall be made by such Assignee or Assignees within one year after any such fine shall have been paid, it shall be lawful for the Court by which such fine shall have been imposed to appropriate, apply, and to pay over such fine to such uses, purposes, and persons, and in such manner, as any other fine imposed by the same Court under the provisions of the Indian Penal Code may be lawfully appropriated, applied, and paid over.

Jurisdiction of Registrar when Recorder is not sitting.

71. Whenever the Recorder shall not sit as Judge of the Court, the Registrar shall have and exercise all such jurisdiction, authority, and powers as by this Act are conferred upon the Court, save so far as the same are by this Act expressly limited to the Recorder sitting as Judge of the Court.

Provisions of Act XXI of 1863 to apply to applications heard before, and orders made by Registrar under this Act.

72. The provisions of Act No. XXI of 1863 respecting the applications thereby authorized to be made to the Registrar of the Recorder's Court, and the variation, review, and reversal of and appeals from the orders to be made on such applications, shall apply to all applications heard before and orders made by the Registrar in pursuance of this Act.

Any person interested in proceedings before the Court may, on making a deposit, require the evidence, &c., to be taken down by a sworn Officer of the Court.

73. Any person who shall be interested in any proceeding of any of the said Courts for the relief of Insolvent Debtors, upon depositing with the proper Officer of the Court a sum of money of which the amount shall be fixed by the Court, may require that the whole of the evidence relating to any such proceeding may be taken down in writing by a sworn Officer of the Court, and the same shall be done accordingly; and in case such person shall not within one month thereafter present a petition of appeal as is hereinafter directed, it shall be lawful for the Court in which such evidence shall have been so taken down in writing as aforesaid to pay the reasonable costs and expenses thereof out of the money which shall have been so deposited as aforesaid, returning the surplus, if any, to the person who shall have deposited the same.

74. It shall be lawful for any person who shall think himself aggrieved by any adjudication, order, or proceeding of any Recorder sitting as Judge of any such Court for the relief of Insolvent Debtors to present, within two months thereafter, a petition to the High Court of Judicature at Fort William in Bengal; and it shall be lawful for such last mentioned Court to order that the whole of the evidence, if any, which shall have been so taken down in writing as aforesaid, and the minutes and records of the proceedings of which complaint shall have been made, shall be brought before it, and the said last mentioned Court shall inquire into the matter of the petition, and of such proceedings and evidence, and shall make such order thereon as to the same Court shall seem just, and shall thereby direct by whom and in what manner the costs of such petition, and of the proceedings which shall have been had thereon, and of the taking down of any such evidence in writing, and of the proceedings of which complaint shall have been made, shall be paid; and such order shall be final and conclusive as to all parties, and shall be compulsory and binding upon the Court in which such proceedings so complained of shall have been had.

Power of appeal to the High Court of the Presidency.

75. The proper Officer of the Court shall, on the reasonable request of any such Insolvent as aforesaid, or of any creditor or creditors of such Insolvent, or his, her, or their Vakeel or Attorney, produce and show to such Insolvent, creditor or creditors, and his, her, or their Vakeel or Attorney, at such times as such Court shall direct, every petition, schedule, order of adjudication, and all other orders and proceedings made and had relating to such Insolvent; and the Court shall order the Assignees of such Insolvent, or the said Officer of the Court, as the case may be, to permit the said Insolvent, creditor or creditors, or their respective Vakeels or Attorneys, to have inspection, at all reasonable times, of all books, papers and writings relating to the matters of the said insolvency, and the estate of the said Insolvent in the possession of such Assignees, or filed in Court in such matter, and permit him, her, or them to inspect and examine the same; and such Officer or such Assignees as aforesaid shall provide for any such Insolvent, or creditor or creditors, or his, her, or their Vakeel or Attorney requiring the same, a copy or copies of such petition or other proceedings, books, papers and writings as aforesaid, or of such part thereof as shall be required, receiving such fee or sum or rate of charge as such Court shall appoint for so providing the same; and a copy of such petition, schedule, order, and other orders and proceedings as aforesaid, purporting to be signed by the Officer in whose custody the same shall be, or his Deputy, certifying the same to be a true copy of such petition, schedule, order, or other proceedings, and appearing to be sealed with the seal of the Court, shall at all times, and on behalf of all persons, and whether for the purposes of this Act or otherwise, be admitted in all Courts whatever, and before Magistrates and Justices of the Peace, without any proof of such seal or other proof whatsoever, as sufficient evidence of the same.

Officers of Court to produce proceedings and give copies thereof.

76. No conveyance, assignment, letter of attorney, affidavit, certificate or other proceeding, instrument or writings whatsoever before or under any order of any of such Courts for relief of Insolvent Debtors, nor any copy thereof, nor any advertisement inserted in any newspaper by direction of any such Court, relating to matters within the jurisdiction of such Court, shall be liable to or chargeable or charged with the payment of any Stamp or other duty.

Conveyances, &c., under this Act not liable to Stamp or other duties.

7. The Recorder shall have power from time to time to make rules, not inconsistent with the provisions of this Act, for facilitating and carrying into effect within his jurisdiction the relief intended to be given by this Act in cases for which sufficient provision has not been thereby made, and from time to time to alter and add to such rules. All such rules, alterations and additions shall from time to time be transmitted to the Governor-General of India in Council for his approbation, correction or revision.

Recorder may make rules and may alter and amend the same, subject to the approval of the Governor-General in Council.

78. The principal Officer of the Court shall cause notices to be inserted in the Official Gazette of every petition which shall be filed in such Court by any Insolvent for relief under this Act, and of every adjudication of an act of insolvency, and of every confirmation or revocation thereof, together with the dates of the same respectively, and, in the case of an adjudication, the date of the petition on which the same is grounded, forthwith after the filing of such petition or pronouncing such adjudication or such confirmation or revocation respectively; and the Secretary of the Chief Commissioner of British Burmah shall, without delay, transmit to the Secretary of State for India two or more copies at least of every such Gazette which shall contain any such notice as aforesaid.

Notices of insolvency, &c., to be inserted in the Gazettes of the Presidencies and the *London Gazette*.

79. In case any adjudication of an act of insolvency, whether under the provisions of this Act or otherwise, shall be issued against such Insolvent trader as aforesaid, upon which such Insolvent shall be declared a bankrupt before such order for discharge in the nature of a certificate as hereinbefore mentioned, then and in such case such order shall not operate as a discharge from the debt, claim, and demand of any creditor who shall not have been resident within the limits aforesaid at any time between the filing of the Insolvent's petition or the adjudication, as the case may be, and the making of such order: Provided always that when such Insolvent shall be indebted or liable to two or more persons jointly, if any one of such joint creditors shall have been resident within the limits aforesaid within the time aforesaid, such certificate shall operate against all such joint creditors as aforesaid, notwithstanding the non-residency within the limits aforesaid of some of the said joint creditors.

Order for discharge of Insolvent Debtor not to operate as a discharge to the debts, &c., of any creditor not resident within the limits of British India.

Proviso as to joint creditors.

80. Whenever it shall appear by the schedule of any such Insolvent as aforesaid that any of the creditors are resident out of the limits aforesaid, the principal Officer of the said Court for the relief of Insolvent Debtors shall, as soon as conveniently may be after the filing of such schedule, transmit two or more copies thereof to the Secretary of the Chief Commissioner of British Burmah, who shall transmit the same to the Secretary of State for India as soon as conveniently may be after the receipt thereof.

When creditors are residing out of the limits, proceedings to be transmitted from India to the Secretary of State for India.

81. Provided always, that in all cases where any Insolvent shall not have obtained his discharge in the nature of a certificate as aforesaid under this Act, the Recorder sitting as Judge of such Court may, if in the circumstances of the case he shall think fit, before making such order for such discharge, direct a decree to be passed against such Insolvent in the Recorder's Court within the limits of whose jurisdiction such Court for the relief of Insolvent Debtors shall be situate, in favour of the Assignee or Assignees, or of such Official Assignee as the Court shall think fit, for the amount of the debts or demands stated in the schedule of such Insolvent as due or claimed, and of such as shall be established in the said Court against the said Insolvent's estate, or so much thereof as shall appear at the time of such order to be due, which said order shall be filed in the said Court for the relief of Insolvent Debtors; and the production of such order, or of a copy of such order, under the seal of the said Court, of which order, copy and seal no proof shall be requisite, other than the production of such order or copy, shall be sufficient authority to the Recorder for passing the said decree; and then, and in every such case, and notwithstanding the provisions hereinbefore contained, if at any time it shall appear to the satisfaction of the said Court that such Insolvent is of ability to pay such debts or demands, or any part thereof, or that he is dead, leaving assets for such purpose, and that under the circumstances the same is reasonable and proper, the said Court may, if it shall think fit, order execution to be taken out upon such judgment against the property of such Insolvent, whether the same may or may not be by law vested in his Assignee or Assignees, for such sum of money as, under all the circumstances of the case, the Court shall order, such sum to be distributed rateably amongst the creditors of such Insolvent according to the mode hereinbefore directed in the case of a dividend, and such further proceedings may be had upon such judgment as the Court may from time to time order, until the said debts or demands shall be fully paid and satisfied, and execution of such decree shall at all times be enforced by virtue of the order of the said Court for the relief of Insolvent Debtors from time to time. Provided always, that in case any application against any such Insolvent for the purpose aforesaid shall appear to the Court to be vexatious or oppressive, it shall be lawful for the said Court, not only to refuse to make any order on such application, but also to dismiss the same, with such costs against the party making the same as to the said Court shall appear reasonable.

Court may direct decree to be passed for the amount of the debts stated in Insolvent's schedule.

Execution on the same may be issued against future assets of Insolvent.

82. No decree entered up in pursuance of the provisions in the last preceding Section contained shall be defeated or affected by the lapse of time or by any Act providing for the limitation of suits, unless and until such decree would have been defeated in case it had been a decree of a Court established by Royal Charter.

Decrees entered up under Section 81 not to be affected by lapse of time otherwise than decrees of High Courts.

83. When the debts or demands in respect of which such decree shall have been passed as aforesaid shall have been satisfied, it shall be lawful for the Recorder sitting as Judge of such Court, upon application of the Insolvent, his heirs, executors or administrators, to direct satisfaction to be entered on such decree, and the production of the order of the said Court for entering up such satisfaction, or of a copy thereof, under seal of the said Court (of which said order or copy or seal no proof shall be requisite, other than the production of such order or copy as aforesaid), shall be a sufficient authority to the proper Officer for entering up the same; and if in any case it shall appear to the satisfaction of such Recorder that after the said debts and demands shall have been so discharged and satisfied as aforesaid, there shall remain in the possession or subject to the control of his Assignee or Assignees any property of any kind or description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim title by virtue of the order made in that behalf, or otherwise by virtue of his or their office of Assignee or Assignees, it shall be lawful for such Recorder, on such application as aforesaid, to order that all such property so remaining as aforesaid shall be vested in the party so applying, and be forthwith delivered up to the said party, and such order shall have the effect of vesting the same accordingly, and the same shall be forthwith delivered up to the said party.

And when the said decree is discharged and satisfied, Court may order satisfaction to be entered up on such decree.

84. Where any rules or other matters are hereinbefore directed to be transmitted to the Governor-General of India in Council for his approbation, correction or revision, the same respectively shall in the meantime be of full force and shall so continue until the expiration of fourteen days after the Court by whose authority such rules or other matters shall have been made shall have received from a Secretary to the Government of India a communication of the Governor-General of India in Council's disallowance thereof, or of any alterations directed by him to be made therein.

Rules, &c., directed to be transmitted for the Governor-General's approbation shall be in force till the return of the same.

85. This Act shall, as to all matters not otherwise provided for, commence and come into operation in the Towns of Rangoon and Moulmein on the first day of February one thousand eight hundred and sixty-six, and in the Town of Akyab so soon as a Recorder of Akyab shall be appointed under the provisions of Act No. XXI of 1863.

Commencement of Act.

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A.)

Form of Petition by Insolvent in Custody.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court, the humble petition of late of

Showeth,—

THAT on the day of your Petitioner was committed to the custody of [by virtue of a Writ of issued against your Petitioner at the Suit of the for the sum of Rs.], [and that detainers have since been lodged against him at the suit of and for sums of and respectively], and that he is now a prisoner in the gaol of under the process aforesaid.

That he is desirous of obtaining the benefit of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays that, upon compliance with the provisions of the said Act, he may have the benefit of the same, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The blanks are to be filled up, and the parts between brackets omitted or varied according to the facts.

The Petition is to be signed by the Insolvent, and witnessed by the Gaoler.

A similar form is to be adopted in the case of a joint petition.

SCHEDULE (B.)

Form of Petition of Insolvent not in Custody.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court, the humble petition of of

Showeth,—

THAT your Petitioner is in insolvent circumstances.

That he is now residing at within the jurisdiction of the Recorder's Court of

That he is desirous of obtaining the benefit of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays that, upon compliance with the provisions of the said Act, he may have the benefit of the same, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The Petition to be signed by the Petitioner, and witnessed by his Vakeel or Attorney.

SCHEDULE (C.)

In the Court for the relief of Insolvent Debtors.

The Schedule of

In the matter of , an Insolvent.

I the said do declare, that this my schedule doth contain a full and fair description of me, as to name, trade, profession and abode, and of the debts due or growing due from me, and of all persons to whom I am indebted, or who to my knowledge and belief claim to be my creditors, together with the nature and amount of such debts and claims respectively, distinguishing such as are admitted from such as are disputed by me; and also a full, true and perfect account of all my estate and effects, moveable and immoveable, in possession, reversion, remainder or expectancy, and also of all places and employments of benefit to me, held by me, and also of all pensions and allowances which I have in possession or reversion, or which are held by any other person for me or on my behalf, or of or from which I derive or may derive any manner of benefit, and also of all rights and powers which I am, or any other person in trust for me or for my use or benefit is, in any manner whatever possessed of or interested in or entitled unto, or which I or any other person in trust for me or for my benefit have or has any power to dispose of, charge, or exercise for my benefit or advantage, together with a full, true and perfect account of all the debts due or growing due to me or any person in trust for me or for my benefit or advantage, either solely or jointly with any other person, and the names and places of abode of the several persons from whom such debts are due and growing due, and of the witnesses who can prove or other evidence to prove such debts so far as I can set forth the same; and that this my schedule doth fully and truly describe the wearing apparel, bedding, and other such necessaries and working tools and implements of myself and my family, which are excepted by me from the operation of the Act relating to Insolvents in British Burmah together with the value of such excepted articles respectively.

CREDITORS.

No.	Names and description of creditors, of claimants, and their present or last residence.	Amount.			When contracted.	Admitted or disputed.	Nature and consideration of the debt and securities, if any; also why disputed, if disputed.
		Rs.	A.	P.			
1 &c.							

Where there are cross demands, the party must be entered both as creditor and debtor, and "set-off" must be written under the amount.

DEBTORS.

No.	Names and descriptions and places of abode of debtors.	Amount.			When contracted.	Good, bad, or doubtful.	Nature and consideration of the debt, also securities (if any) for the same.	Witnesses, with their residences, and other evidence by which the debt may be proved.
		Rs.	A.	P.				

N. B.—If property has been taken possession of by the Common Assignee, it must nevertheless be fully entered in the schedule.

PROPERTY IN POSSESSION.

		Supposed value.
1. Interest in land, houses, rents or other real estate.	Describe the quantity of estate, if less than the absolute proprietary right, as lease for years, lease for lives, &c., local description, names of tenants, annual rent or value, statement of incumbrances (if any) thereupon, with description of them, and dates.	
2. Goods, things in action ...	Household furniture	
	Wearing apparel (not excepted)	
	Jewels, trinkets, and ornaments	
	Plate, linen, china, glass	
	Wines and other liquors	
	Books, prints, and pictures	
	Horses and other animals	
	Carriages	
	Farming stock, crops, and implements of husbandry	
	Other crops on cultivation	
	Stock in trade, machinery, and utensils in my business of	
	Ships and shares of ships, describing the ships by name, and Master, or other sufficient description	
	Cash, bills, notes, bonds, &c; any other property not particularly specified	
3. Property in public securities, Indian or otherwise, shares in Companies, annuities, &c.	Describe the fund, stock, Company, security, &c., and state in whose name, and also when and by whom the last dividend or other payment in respect of the same was received, and shares of estate	
4. Unpaid legacies ...	Legacies, shares of intestates' estates, with all particulars concerning the same	

Property in reversion, places, pensions, allowances, rights and powers.

Contingent as well as vested interests must be entered.

Moveable and immoveable property and effects in which I have any interest in reversion, remainder, or expectancy.

		Supposed value of my interest, if now to be sold.
1. Interests in land, houses, rents, and other immoveable property. 2. Moveable property, as goods and certain things in action. 3. Other moveable property, as public securities, Indian or otherwise, shares in Companies, annuities.	Describe the property as in the division relating to property in possession; add a description of the nature of the interest, and from whom and in what manner it is derived, with names and descriptions of persons now enjoying the same, the value or annual value, according to the nature of the property, and in whose name or names the property now stands, or who has the legal interest therein, according to the nature of the property.	
Places, pensions, and allowances in possession or reversion.	Places of employments held by me with the salaries, fees, and emoluments thereof; also all pensions and allowances in possession or reversion held by me, or by any other person or persons for me, or on my behalf, or of or from which I derive or may derive any benefit.	
Rights and powers ...	Rights and powers which I or any other person or persons in trust for me, or for my use, benefit, or advantage, am, is, or are in any manner seized or possessed of or interested in or entitled unto, or which I or any other person or persons in trust for me, or for my benefit have or has any power to dispose of, charge, or exercise for my benefit or advantage.	
Excepted articles ...	Excepted articles, and the value thereof. Give a full description of the excepted articles and their value.	

The schedule to be signed by the Insolvent, and witnessed by his Vakeel or Attorney.

A similar form must be adopted in the case of a joint schedule.

SCHEDULE (D.)

Form of Petition for adjudication of insolvency.

FORM No. 1.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble petition of of

Showeth,—

That on or about the day of the said [*here state the time and place of the charge in execution or commitment of the prisoner, and the amount of the debt or sum of money for which the prisoner shall have been so charged in execution or committed*].

That your Petitioner is desirous that the said prisoner should be dealt with according to the provisions of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an act of insolvency, pursuant to the provisions of the Act for the relief of Insolvent Debtors in British Burmah, and that the proper order may thereupon be made.

And your Petitioner, &c.

——

FORM No. 2.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble petition of of

Showeth,—

That late of (heretofore and up to carried on the trade or business of at), and thereby, as your petitioner is advised, became a trader within the meaning of the Bankrupt Laws.

That on or about the day of the said [*here state shortly the act or acts of insolvency relied on*], whereby, as your petitioner is advised and believes, the said is liable to be adjudged to have committed an act of insolvency.

That at the time aforesaid the said was and now is indebted to your Petitioner in the sum of Rs. [*state for what the party is indebted, as* for Goods sold and delivered, &c.]

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an act of insolvency, pursuant to the provisions of the Act for the relief of Insolvent Debtors in British Burmah, and that the proper order may thereupon be made.

And your Petitioner, &c.

NOTE.

The blanks must be filled up, and the parts within brackets varied or supplied, as the case may require.

A similar form must be used in the case of a joint Petition.

——

SCHEDULE (E.)

Form of Petition for discharge in the nature of a certificate of an Insolvent not a trader.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble Petition of the said Insolvent

Showeth,—

That on or about the day of [*the circumstances to be stated shortly*].

That the estate of your Petitioner has realized one-third of the amount of the debts established in this Court in the matter of the said insolvency [*or*, that the major part in number and value of the creditors of your Petitioner, contained in the said schedule, or who have since established their debts in this Court, have consented to the discharge of your Petitioner from all further liability in respect of his aforesaid debts, provided that this Court shall so order], as appears by the schedule annexed to this Petition, to which your Petitioner craves leave to refer.

That your Petitioner is desirous of obtaining a discharge in the nature of a certificate under the provisions of the said Act.

Your Petitioner therefore humbly prays, that he may be discharged from all liability in respect

of such debts, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The blanks must be filled up, and the parts between brackets varied, as the case may require.

The schedule to contain a copy of the original schedule, and of the debts proved since, if any, and the consents of the creditors must be signed by them, or their Vakeels or Attorneys specially authorized.

SCHEDULE (F.)

Form of Petition for discharge in the nature of a certificate of an insolvent trader.

In the Court for the relief of Insolvent Debtors.

In the matter of an insolvent trader.

To the Honourable the Commissioner of the said Court.

The humble Petition of the said Insolvent

Showeth,—

That your Petitioner, prior to his insolvency, hereinafter mentioned, carried on the trade or business of and thereby became a trader within the meaning of the Bankrupt Laws.

That on or about the day of your Petitioner petitioned for his discharge, under the Act for the relief of Insolvent Debtors in British Burmah, [*or* was adjudged by this Court to have committed an act of insolvency].

That on or about the day of your Petitioner duly filed his schedule in this Court, and that your Petitioner is desirous of obtaining a discharge in the nature of a certificate under the provisions of the Act relating to Insolvent Debtors in British Burmah; and he therefore humbly prays that all necessary directions may be given for that purpose, and that your Petitioner may, by the order of this Court for his discharge in the nature of a certificate, be discharged from all liability in respect of the debts or claims established, or which might by law be proved in this Court, in the matter of his insolvency.

And your Petitioner, &c.

NOTE.

The Petitioner must annex to this Petition a copy of his schedule and include all debts established, though not included in the schedule as originally filed.

The blanks must be filled up, and the parts between brackets varied, as the case may require.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill, which has been prepared on the recommendation of the Chief Commissioner of British Burmah and at the request of the local mercantile community, is to constitute Courts for the relief of Insolvent Debtors in the towns of Rangoon, Moulmein and Akyab. It has been founded on the Statute 11 and 12 Vic., Cap. 21 (*An Act to consolidate and amend the laws relating to Insolvent Debtors in India*), but omits certain provisions which the Indian Legislature is unable to make: and introduces the modifications called for by the peculiarities of the Burmese Recorders' Courts, the tribunals by which the proposed measure will be administered.

The principal of those modifications are the following:—

It will probably be for many years inexpedient to appoint a separate Recorder for each town: the Bill therefore empowers the Registrar, who will be permanently resident in each town, to exercise the summary powers of the Court.

Where the Registrar makes an order, the appeal will be in the first instance to the Recorder, and, to ensure uniformity of practice, the procedure on application to the Registrar is regulated by reference to the Bill now before the Council, to amend Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Rangoon, Moulmein and Akyab*).

A decree given to the Assignee is placed on the same footing as if obtained in the High Court.

The powers of the Recorder respecting the dismissal of the Officers of his own Court being limited, confusion might arise from giving him larger jurisdiction over the Insolvent Court Officers. His powers over the latter Officers have therefore been limited.

The operation of the Bill, should it become law, will commence in Rangoon and Moulmein on the 1st February 1866, and in Akyab so soon as a Recorder of Akyab shall be appointed under the provisions of Act No. XXI of 1863.

H. S. MAINE.

The 20th November 1865.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,

Home Department (Legislative).

HOME DEPARTMENT.

No. 4678.

Fort William, the 2nd December 1865.

NOTIFICATIONS.

Consequent on the departure to Europe on sick certificate of Lieutenant Poole, Assistant Superintendent of Police, British Burmah, the following appointments are made with effect from the 25th of September:—

Mr. George Luckett, Assistant Superintendent, in charge of Town Police, Rangoon, to officiate as Assistant Superintendent of Police, British Burmah.

Mr. John Reid, Inspector of Police, 1st Class, to officiate as Assistant Superintendent, in charge of Town Police, Rangoon.

No. 4683.

The 4th December 1865.

The Governor General in Council is pleased to permit Mr. R. N. Shore to resign the Civil Service from the date on which the first out-going Mail Steamer of this month may be left by the Pilot at sea.

No. 4699.

The 5th December 1865.

Lieutenant Colonel C. Douglas, Director General of Telegraphs in India, has been permitted to resign that appointment, with effect from the 17th of October.

No. 4700.

Appointment.—Lieutenant Colonel D. G. Robinson, Officiating Director General of Telegraphs in India, to be Director General of Telegraphs in India, with effect from the 17th of October.

No. 4750.

The 6th December 1865.

Mr. Henry B. Medlicott, Deputy Superintendent of the Geological Survey of India, returned from the leave granted to him on the 5th of April last (of which he availed himself on the 10th of May), and resumed charge of his duties on the forenoon of the 10th instant.

No. 4752.

Lieutenant H. A. Hammond, District Superintendent of Police, Wurda, in the Central Provinces, has obtained one month's preparatory leave of absence from such date as he may avail himself of the same, to proceed to Bombay for the purpose of appearing before a Medical Board, with a view to obtaining leave to England on medical certificate.

No. 4756.

The under-mentioned gentlemen appointed by the Secretary of State for India Members of Her Majesty's Civil Service on the Bengal Establishment, reported, on the 23rd ultimo, their arrival at the Sandheads on the 21st idem:—

Messrs. Henry Priestley, George Edward Knox, William Benjamin Oldham, William Edward Purser, George Robert Carlisle Williams, and Fortescue Willoughby Porter; and Mr. George Toynbee, of the same Establishment, reported, on the 27th ultimo, his arrival at the Sandheads on the 25th idem.

No. 4757.

Captain M. Proctor, District Superintendent of Police, Sultanpore, Oudh, returned, on the afternoon of the 15th ultimo, from the one month's privilege leave granted to him in Notification No. 3128, dated 24th October.

No. 4844.

The Governor General in Council is pleased to permit the Reverend W. G. Cowie, Junior Chaplain, to proceed to England on furlough for the period of two years, with effect from the date on which he may avail himself of the same.

No. 4846.

The 7th December 1865.

The under-mentioned Native Gentlemen are appointed Honorary Magistrate of Hurda in the Hoshungabad District, in the Central Provinces, and are invested with the powers noted opposite their names, to be exercised within the limits of the Hurda Tehseelee:—

Venket Rao, 1st Class Subordinate Magistrate.
Toolsee Ram, 2nd Class ditto ditto.

No. 4848.

With the sanction of the Military Authorities, Assistant Surgeon C. Cameron, 9th Native Infantry, officiated as Civil Assistant Surgeon of Fyzabad, in addition to his other duties, from the 7th of May to the 6th of July, during the absence of Doctor Whishaw on sick leave.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

JUDICIAL.

No. 442.

Fort William, the 5th December 1865.

In addition to the States named in the latter part of this Office Notification No. 401, dated 24th October last, it is hereby notified that lands have been ceded for the Allahabad and Jubbulpore Railway by the States of Punnah, Kotee, and Beronda, and that the provisions of the said Notifi-

cation, including the extension of Act XXV of 1861, are made applicable to these lands.

No. 444.

Lieutenant W. Freeth, Assistant Superintendent of Revenue Survey, in Coorg, is vested with the powers of an Officer for the settlement of boundaries under the Madras Act No. XXVIII of 1860.

No. 450.

The 8th December 1865.

Under Section 6 of Act XXII of 1864, the Governor General in Council is pleased to establish in the Cantonment of Nagode a Court of Small Causes for the trial of suits of the nature described in Section 3 of Act XLII of 1860, and to declare that the pecuniary limit of the jurisdiction of this Court shall be Rs. 500.

Under Section 44 of Act XXII of 1864, the Governor General in Council is pleased to declare that in respect to the Court of Small Causes in the Cantonment of Nagode, the Agent to the Governor General in Central India shall exercise the powers vested in the Sudder Court by the provisions of Act XLII of 1860.

In modification of Section 6 of Notification, Foreign Department, No. 262, dated 31st August 1864, the Governor General in Council has been pleased to appoint the Political Assistant at Nagode District Registrar for the Cantonment of Nagode, and the Cantonment Magistrate of Neemuch, District Registrar for that Cantonment. The Political Agent for Bundlecund will continue to be District Registrar for Nowgong.

MILITARY.

No. 362.

The 5th December 1865.

Assistant Surgeon F. W. A. de Fabeck, appointed in G. O. No. 55, dated 31st May 1864, to the temporary medical charge of the Deolee Irregular Force and of the Harowtee Political Agency, is confirmed in that appointment.

GENERAL.

No. 2325.

Mr. C. J. Wingfield, C. B., Chief Commissioner of Oudh, returned from the privilege leave granted to him in G. O. No. 1478, dated 15th July 1865, and resumed charge of his Office from Mr. R. H. Davies, Financial Commissioner, on the forenoon of the 28th ultimo.

No. 2327.

Assistant Surgeon J. A. Scott, in medical charge of Detachment of H. M.'s 97th Highlanders, is appointed to the Civil Medical charge of Nagode, in addition to his own duties, with effect from the 2nd October last.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 3338.

Fort William, the 7th December 1865.

NOTIFICATIONS.

It is notified for general information that copies of Baptismal and Burial Certificates, and copies of Marriage Certificates (other than copies furnished under Act V of 1852, or Act XXV of 1864, or by the Bishop's Ecclesiastical Registrar), do not come within the existing Stamp Act, even if furnished from the records of a Church built or supported by Government.

No. 3352.

The 8th December 1865.

The Governor General in Council is pleased to empower the Comptroller General and the Deputy Comptroller General of Accounts to sign Promissory Notes for the Secretary to the Government of India from, on, and after the 2nd January 1866, the date fixed for the transfer of the management of the Public Registered Debt to the Bank of Bengal.

No. 3353.

Mr. E. F. Harrison, Officiating Comptroller General of Accounts, to be a Government Director of the Bank of Bengal during the absence of Mr. R. P. Harrison on leave.

No. 3355.

Notification.—In continuation of the Notification No. 3091, dated the 21st October 1865, issued from this Department, the following Statement showing the financial position of the several Guaranteed Railway Companies, quoad the Government, is published for general information :—

State of the Capital Accounts of the Indian Railway Companies on the 31st July 1865.

	Amounts authorized to be raised.			Amounts paid by the Railway Companies.					Amounts withdrawn by the Railway Companies.			Balance standing to the credit of the Railway Companies.	Amount advanced to the Railway Companies in excess of the amount to their credit.
	Capital.	Debenture Loans.	Total.	Capital subscribed in England.	Capital subscribed in India.	Total Capital.	Debenture. Loans.	Total.	In England.	In India.	Total.		
East Indian :	£	£	£	£	£	£	£	£	£	£	£	£	£
Main Line Capital	17,999,081	4,750,919	22,750,000	15,889,945	277,538	16,167,483	4,750,919	20,918,402	6,915,663	15,098,636	22,014,299	882,506	
Jubbulpore Capital	2,000,000	1,200,000	3,200,000	1,952,165	7,665	1,959,830	1,200,000	3,159,830	171,794	1,009,633	1,181,427		
Madras :													
Main Line Capital	3,493,150	1,506,850	5,000,000	3,489,028	.....	3,489,028	1,498,550	4,987,578	2,980,988	3,583,836	6,564,824	339,013	
Bellary Capital	3,000,000	.....	3,000,000	2,716,306	.....	2,716,306	.....	2,716,306	.....	800,047	800,047		
Great Indian Peninsula	11,000,000	3,000,000	14,000,000	9,991,699	415,232	10,406,931	2,347,000	12,753,931	4,426,342	8,214,703	12,641,045	112,886	
Sind :													
Sind Railway Capital	1,668,200	331,800	2,000,000	1,643,025	21,695	1,664,720	331,800	1,996,520	819,443	1,136,710	1,956,153	40,367	
Indus Flotilla Capital	505,100	82,900	588,000	250,005	.....	250,005	82,900	332,905	287,450	98,205	385,655	.....	52,750
Punjab :													
Mooltan Capital	2,000,000	500,000	2,500,000	1,481,153	8,404	1,489,557	500,000	1,989,557	995,117	1,233,291	2,228,408	.....	238,851
Delhi Capital	2,500,000	.....	2,500,000	1,042,187	5,412	1,047,599	.....	1,047,599	118,866	140,605	259,471	788,128	.....
Bombay, Baroda, and Central India ...	4,732,900	1,267,100	6,000,000	4,134,209	21,662	4,155,871	1,242,795	5,398,666	2,187,657	3,375,697	5,563,354	.....	164,688
Eastern Bengal	1,500,000	600,000	2,100,000	990,745	9,504	1,000,249	600,000	1,600,249	788,638	834,603	1,623,241	.....	22,992
Calcutta and South-Eastern	310,000	190,000	500,000	290,377	19,623	310,000	190,000	500,000	192,337	274,775	467,112	32,888	.....
Great Southern of India	867,900	297,700	1,165,600	676,279	1,221	677,500	189,800	867,300	434,555	445,556	880,111	.....	12,811
Total ...	51,576,331	13,727,269	65,303,600	44,547,123	787,956	45,335,079	12,933,764	58,268,843	20,318,850	36,246,297	56,565,147	2,195,788	492,092

Net Balance standing to the credit of the Railway Companies ... £1,703,696

No. 3358.

Mr. R. Taylor, Officiating Deputy Accountant General, Madras, is allowed three months' privilege leave from the 1st January 1866, or from the date on which he may avail himself of it.

No. 3359.

With reference to the 6th and following paragraphs of Notification in the Financial Department, No. 1, dated 3rd January 1862, describing the terms for the conduct of the business of the Government Paper Currency by the Bank of Bengal, the Governor General in Council is pleased to notify that those terms will cease to have effect on 2nd January 1866, and that on and from that date the exchange of Government Currency Notes for Silver, and Silver for Notes, together with all other business of the Currency Department hitherto conducted by the Bank of Bengal, will be performed at the Office of the Head Commissioner of the Department of Issue, Calcutta.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 4th December 1865.

No. 1121 *of* 1865.—Captain Patrick Wheeler, of the late 15th Native Infantry, is permitted to proceed to sea on medical certificate, and to be absent from Bengal on that account for six months, under the new Regulations.

No. 1122 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Fitzherbert Coddington, of the Bengal Staff Corps, Revenue Survey Department.	For 20 months.

No. 1123 *of* 1865.—The under-mentioned Warrant Officer has reported his return from England :—

	Date of arrival at Fort William.
Apothecary F. J. Grose, of the Subordinate Medical Department.	28th November 1865.

No. 1124 *of* 1865.—The under-mentioned Officers and Warrant Officer have reported their departure on the dates specified opposite to their respective names :—

Lieutenant E. Z. Thornton, General List, Infantry, leave on urgent private affairs for six months without pay, Government General Order No. 987, dated 3rd November 1865.	"Nemesis," 24th Nov. 1865.
Lieutenant W. V. F. Jacob, late 6th European Regiment, Doing-duty Officer, 38th (the Agra) Regiment Native Infantry, on leave for twenty months, Government General Order No. 988, dated 3rd November 1865.	
Major J. L. Nation, Bengal Staff Corps, District Superintendent of Police, 1st Grade, Lohardugga, on leave for twenty months, Government General Order No. 1042, dated 14th November 1865.	"Nemesis," 24th Nov. 1865.
Conductor H. Hobery, of the Ordnance Commissariat Department, on leave for eighteen months, Government General Order No. 1070, dated 20th November 1865.	
Major H. W. H. Coxe, of the Bengal Staff Corps, Deputy Commissioner, Punjab, on leave for twenty months, Government General Order No. 1071, dated 20th November 1865.	
Lieutenant H. A. Lewes, late 20th Regiment Native Infantry, Adjutant, 30th (Punjab) Regiment Native Infantry, on furlough for two years, Government General Order No. 1077, dated 21st November 1865.	
Lieutenant F. P. Spragge, of the Royal Engineers, on leave for twenty months, Government General Order No. 1082, dated 21st November 1865.	

No. 1125 *of* 1865.—The under-mentioned Soldier is admitted to pension as specified opposite to his name :—

Private Edward Donelly, of the Infantry Company, European Invalid Battalion	1*s.* (one shilling) per diem, payable in Europe.

The 5th December 1865.

No. 1126 *of* 1865.—Under the authority of the Right Hon'ble the Secretary of State for India, His Excellency the Governor General of India in Council is pleased to extend to the three Presidencies the provisions of Article 86 of the Revised Royal Clothing Warrant of 1865, which directs that, in substitution of the rates sanctioned in Horse Guards Circular of 12th June 1863, Non-Commissioned Officers and men, without reference to their rank, on re-engagement, will be entitled to a free kit, or commutation in lieu, similar in all respects to the pattern supplied to recruits.

This order cancels Government General Order No. 115 of 30th January 1865.

No. 1127 *of* 1865.—The following order issued by the Government of Bombay is confirmed :—

No. 583, *dated the 20th November* 1865.—Granting leave of absence, on medical certificate to Europe, to Lieutenant R. H. Ward, of the General List, Infantry, 2nd Doing-duty Officer, 23rd (Punjab) Regiment Native Infantry, (Pioneers), in charge of 1st and 3rd Companies Sappers and Miners.	For 18 months, under the new Regulations.

No. 1128 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 309, dated 25th October 1865, is published for general information :—

MILITARY. INDIA OFFICE;
No. 309. *London, 25th October* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,

PARA. 1.—The under-mentioned Officers have been permitted to return to their duty, viz. :—

Major C. M. Fitzgerald.
" O. J. M'L. Farrington.
" C. St. G. Brownlow.
Brevet Major J. C. Bonamy, by the Steamer, 20th November.
Brevet Major C. Need.
" E. Thompson.
Captain A. Cory.
" R. S. Graves.
" J. Graham.
" W. Wroughton.
" J. A. Grant.
" W. G. Keppel.
" G. Wheeler.
" W. D. Hogg, viâ the Cape.
" H. A. W. Waterfield, per Steamer, 4th December.
Lieutenant D. J. Stewart, viâ Bombay.
" R. G. Armstrong.
" W. F. Bartleman.
" F. D. Harington.
" G. W. Holdsworth.
" E. F. Fortescue.
" C. S. Noble, viâ the Cape.
" T. H. T. Drake.
" G. C. Napier, viâ Bombay Steamer, 3rd November.
Surgeon Major C. Archer, viâ Bombay.
" G. E. Morton.
Surgeon J. C. Collins, per Steamer, 20th November.
Surgeon G. Barnard.
Assistant Surgeon N. A. Baillie.
" J. Duncan.
" A. Vans Best.
Assistant Apothecary T. M. Sullivan, viâ the Cape.

2. The under-mentioned Officers have been granted extensions of leave for the periods specified, viz. :—

Major A. Blackwood - - - 4 months.
" J. P. Briggs - - -
Brevet Major J. B. Lind - -
" E. Oakes - - } 6 "
Captain T. C. Graham -
" A. D. Jennings, -
" A. Combe, - 3 "
Lieutenant W. B. Craigie -
" H. C. Collier -
" F. H. Thomas -
" H. Goschen -
" J. G. Macleod -
" M. H. Heathcote -
" W. J. Cochrane - } 6 months.
" D. C. S. L. Carnegie -
" H. F. Woodcock -
" J. B. Chatterton, -
Surgeon Major W. F. Mactier -
" E. Goodeve -
Asst. Surgeon A. D. Campbell -

3. Surgeon Major G. Harper has been permitted to retire from the service from the 1st August 1865, under the operation of the rule laid down in my Despatch No. 172 of the 24th April 1861.

4. With reference to your Despatch No. 312, dated 31st July 1865, I have to inform you that Assistant Surgeon H. W. Robinson has been permitted to retire from the service, with effect from the 28th December 1863, on the half pay pension of Lieutenant.

5. With reference to my Despatch No. 278, dated 15th September 1865, I have to inform you that the under-mentioned Assistant Surgeons have been allowed to defer their departure for Calcutta till the date affixed to their names, viz. :—

Asst. Surgeon R. Reid, till the 12th November.
" J. M'Iver, till the 7th November.
" E. B. Gardner, till the 20th Oct.

I have, &c.,
(Signed) C. WOOD.

The 6th December 1865.

No. 1129 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment, to have effect from the 26th instant :—

Assistant Surgeon J. A. P. Colles, M. D., Officiating as Professor in the Calcutta Medical College, to the medical charge of the Lawrence Military Asylum at Sunawur, vice Assistant Surgeon Wright, appointed to another situation.

No. 1130 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In succession to
Governor General's Body Guard.	Havildar Futteh Khan ...	Jemadar ...	31st Oct. 1865 ..	Allif Khan, promoted.
27th Regt. Punjab Infy.	Jemadar Chunda Sing ...	Subadar ...	1st May 1865 ...	Meer Hydur Hussein, invalided.
Ditto	Havildar Neaz	Jemadar ...	Ditto ...	Chunda Sing, promoted.
Ditto	Ditto Doollah Singh ...	Ditto ...	8th Sep. 1865 ...	Buddun Sing, deceased.
Ditto	Ditto Deo	Ditto ...	27th Oct. 1865	Fyz Buksh, deceased.

The 7th December 1865.

No. 1131 *of* 1865.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Thomas Augustus Scott, of the late 28th Native Infantry, Assistant District Superintendent of Police, Raepore, now Assistant Commissioner, Central Provinces ... } 14th September 1865.

No. 1132 *of* 1865.—The following promotions are made, subject to Her Majesty's approval :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
Bengal Infantry.	Major (Lieutenant Colonel in Staff Corps) Solomon Richards ...	Lieut. Colonel.	5th June 1865.	Lieutenant Colonel (Brevet Colonel) P. Harris, Bengal Infantry, promoted to Major General.
Cadre of late 55th Native Infantry.	Captain (Major in Staff Corps) Augustine Allen	Major ...	Ditto ...	
Ditto	Lieutenant (Brevet Captain) Edward Humphrey Woodcock ...	Captain ...	Ditto ...	
Bengal Infantry	Major (Lieutenant Colonel in Staff Corps) James Knox Spence ..	Lieut. Colonel.	5th June 1865.	Lieutenant Colonel S. Richards, Staff Corps, removed from the list of Regimental Lieutenant Colonels.
Cadre of late 20th Native Infantry.	Captain (Major in Staff Corps) Edward Moody Ryan	Major ...	Ditto ...	
Ditto	Lieutenant (Brevet Captain) John Hobart Tyler	Captain ...	Ditto ...	
Bengal Infantry.	Major (Brevet Lieutenant Colonel) Rowland Rees Mainwaring ...	Lieut. Colonel.	5th June 1865.	Lieutenant Colonel J. K. Spence, Staff Corps, removed from the list of Regimental Lieutenant Colonels.
Cadre of late 6th European Regt.	Captain (Brevet Major) Charles Need	Major ...	Ditto ...	
Ditto.	Lieutenant (Captain in Staff Corps) Brook Samuel Bridges Parlby ...	Captain ...	Ditto ...	
Bengal Infantry.	Major Nicholas Carnegie Boswell ...	Lieut. Colonel.	23rd July 1865.	Lieutenant Colonel (Brevet Colonel) J. Travers, v. c., Bengal Infantry, promoted to Major General.
Cadre of late 2nd Native Infantry.	Captain (Major in Staff Corps) Henry Mills	Major ...	Ditto ...	
Ditto.	Lieutenant (Brevet Captain) Jocelyn Pickard Cambridge	Captain ...	Ditto ...	

The 7th December 1865.

No. 1133 *of* 1865.—The following extract from the *London Gazette* of the 3rd October 1865 is published for general information :—

India Office, 3rd October 1865.

Her Majesty has been pleased to approve of the following promotions and alterations of rank amongst the Officers of the Staff Corps and of Her Majesty's Indian Military Forces :—

The under-mentioned Officer having completed five years' service as Major and Brevet Lieutenant Colonel and as Regimental Lieutenant Colonel, to be Colonel in the Army, under the operation of clauses 8 and 9 of the Royal Warrant, dated 31st January 1859 :—

Lieutenant Colonel George Samuel Montgomery, Bombay Infantry. Dated 20th December 1864.

BENGAL ARMY.

To be Lieutenant-Colonels.

Major Charles Jackson, late 39th Native Infantry. Dated 11th December 1864.

Major Henry Larkins Robertson, late 65th Native Infantry. Dated 11th December 1864.

Major Wredenhall Queiros Pogson, late 43rd Native Infantry. Dated 12th December 1864.

Major Folliott Walker Baugh, late 26th Native Infantry. Dated 13th January 1865.

Major Henry Richard Shelton, late 38th Native Infantry. Dated 13th January 1865.

Major Alexander Sutton Osborn Donaldson, late 45th Native Infantry. Dated 24th January 1865.

Major William Claye Watson, late 45th Native Infantry. Dated 24th February 1865.

Major Henry Elliott Young, late 64th Native Infantry. Dated 9th March 1865.

To be Majors.

Captain Archibald Cumine, late 4th Native Infantry. Dated 10th December 1864.

Captain Frederick John Ellis, late 58th Native Infantry. Dated 10th December 1864.

Captain Montague James White, late 26th Native Infantry. Dated 10th December 1864.

Captain Frederick Charles Innes, of the late 60th Native Infantry. Dated 10th December 1864.

Captain Frederick Ernest Laing, of the late 17th Native Infantry. Dated 10th December 1864.

Captain Samuel Dewe White, of the late 3rd European Regiment. Dated 10th December 1864.
Captain William Conrad Hamilton, of the late 2nd European Regiment. Dated 5th January 1865.
Captain John Mackillop Mackenzie, Staff Corps. Dated 28th January 1865.
Captain Gordon Cavanagh, late 39th Native Infantry. Dated 18th January 1865.
Captain Robert Stothert, of the late 4th Native Infantry. Dated 18th January 1865.
Captain Richard Chaloner Lindsey, of the late 24th Native Infantry. Dated 11th February 1865.
Captain Richard Jenkins, late 5th Cavalry. Dated 20th February 1865.
Captain Abraham Charles Bunbury, late 34th Native Infantry. Dated 1st January 1864.
Captain Francis Henry Hanmer, late 34th Native Infantry. Dated 9th December 1864.
Captain Henry John Allan, late 9th Native Infantry. Dated 19th March 1865.

To be Captains.

Lieutenant William Henry Joseph Lance, Staff Corps. Dated 18th September 1861.
Lieutenant William Frederick Edwards, late 45th Native Infantry. Dated 9th December 1864.
Lieutenant Alexander Cockburn, late 52nd Native Infantry. Dated 20th January 1865.
Lieutenant Lancaster Byron James Davies, late 5th European Regiment. Dated 13th February 1865.

BENGAL STAFF CORPS.

PROMOTIONS.

To be Lieutenant Colonels.

Major (Brevet Colonel) Albert Fytche. Dated 11th December 1864.
Major Edward Lascelles Dennys. Dated 11th December 1864.
Major George Cliffe Hatch. Dated 12th December 1864.
Major Henry Charles Adlam. Dated 13th January 1865.
Major William Agnew. Dated 14th January 1865.
Major Edwin Alexander Rowlatt. Dated 14th February 1865.

To be Majors.

Captain (Brevet Lieutenant Colonel) Alexander Robinson. Dated 3rd December 1864.
Captain William Elliot Marshall. Dated 9th December 1864.
Captain (Brevet Major) Thomas James. Dated 10th December 1864.
Captain John Adam Tytler, V. C. Dated 10th December 1864.
Captain Richard Joseph Dickson Ferris. Dated 10th December 1864.
Captain Frederic James Stephenson. Dated 10th December 1864.
Captain (Brevet Major) Alexander Walshman Owen. Dated 20th December 1864.
Captain Samuel Black. Dated 29th December 1864.
Captain Edward Pryse Lloyd. Dated 29th December 1864.
Captain Charles Henry Hall. Dated 29th December 1864.
Captain John Crawfurd Millar. Dated 29th December 1864.
Captain Alexander Thomas Armstrong. Dated 3rd January 1865.
Captain (Brevet Major) John Francis Stafford. Dated 12th January 1865.
Captain Charles Chester Dandridge. Dated 18th January 1865.
Captain Hugh Pigot Williams. Dated 18th January 1865.
Captain (Brevet Major) Robert Cogan Cross. Dated 18th January 1865.
Captain Henry Ramsay Wroughton. Dated 20th January 1865.
Captain (Brevet Major) Huntley Rothery Garden. Dated 20th January 1865.
Captain James Williamson. Dated 20th January 1865.
Captain William Paske. Dated 11th February 1865.
Captain Patrick Maxwell. Dated 11th February 1865.
Captain John Leven. Dated 11th February 1865.
Captain William Reveley. Dated 11th February 1865.
Captain William Charles Robert Mylne. Dated 20th February 1865.
Captain Herbert Taylor Macpherson, V.C. Dated 28th February 1865.
Captain (Brevet Major) Edward Ham Langmore. Dated 1st March 1865.
Captain Edward Bertie Clay. Dated 2nd March 1865.
Captain Francis Kenrick Bacon. Dated 19th March 1865.

To be Captains.

Lieutenant James William Hope Johnstone. Dated 20th December 1864.
Lieutenant George Baring Stainforth. Dated 20th January 1865.
Lieutenant Alfred Tulloch. Dated 20th January 1865.
Lieutenant Charles Ward Hawes. Dated 13th February 1865.
Lieutenant Gerard Noel Money. Dated 4th March 1865.
Lieutenant (Brevet Captain) Brooke Rynd Chambers. Dated 23rd March 1865.

BENGAL ARMY.

PROMOTIONS.

Infantry.

Major (Brevet Lieutenant Colonel) George Remington Cookson, from late 4th Native Infantry, to be Lieutenant Colonel, vice Garrett, deceased. Dated 4th August 1864.
Major (Brevet Lieutenant Colonel) Alexander Boyd, from late 2nd European Regiment, to be Lieutenant Colonel, vice Chamberlain, promoted to Major General. Dated 5th August 1864.
Major (Brevet Lieutenant Colonel) Henry Richard Shelton, from late 38th Native Infantry, to be Lieutenant Colonel, vice Remy (Staff Corps), removed from List of Lieutenant-Colonels. Dated 12th March 1865.

Late 4th European Light Cavalry.

Lieutenant Henry Boileau Lockwood to be Captain, vice Caulfield, deceased. Dated 6th October 1864.

Late 11th Native Infantry.

Lieutenant (Brevet-Captain) Thomas Martin Shelly to be Captain, vice Safe, retired. Dated 31st March 1864.

Late 12th Native Infantry.

Lieutenant William Astell Franks to be Captain. Dated 16th July 1864.

Captain Patrick George Scott to be Major.

Lieutenant Roderick Boyd Mackenzie to be Captain, vice Adams (Staff Corps), deceased. Dated 23rd January 1865.

Late 31st Native Infantry.

Captain (Brevet Major) Henry Finch to be Major, Lieutenant Thomas Norris Baker to be Captain, in succession to Tickell (Staff Corps), retired. Dated 15th January 1865.

40th Native Infantry.

Lieutenant (Brevet Captain) Hardress Edmund Waller to be Captain, vice Stone, deceased. Dated 6th November 1864.

47th Native Infantry.

Lieutenant (Brevet Captain) William Gordon to be Captain, in succession to Walker, deceased. Dated 12th March 1864.

51st Native Infantry.

Lieutenant (Brevet Captain) Edward Pitches Wilson Ripley to be Captain, in succession to Abbott, retired. Dated 27th October 1864.

Late 74th Native Infantry.

Lieutenant Robarts William Elton to be Captain, vice Mew, retired. Dated 24th October 1864.

ALTERATIONS OF RANK.

Late 2nd Cavalry.

Captain Ambrose Dawson Jennings to take rank from 12th October 1863, vice Clifford (20th Hussars), retired.

Late 12th Native Infantry.

Captain Philip Sydney Yorke to take rank from 24th December 1863, vice Hall, retired.

MEDICAL OFFICERS.

To be Surgeons Major.

Surgeon George Ranken Playfair, M. D. Dated 3rd November 1864.

Surgeon William Fullarton Mactier, M. D. Dated 3rd December 1864.

Surgeon James Lee, M. D. Dated 10th January 1865.

Surgeon George Banister. Dated 12th January 1865.

Surgeon Francis Douglas, M. D. Dated 18th January 1865.

Surgeon Robert James Atkinson. Dated 24th January 1865.

Surgeon Francis Turnbull, M. D. Dated 11th February 1865.

Surgeon John Nicholas Tresider. Dated 1st March 1865.

Surgeon St. George Wade Tucker, M. D. Dated 14th March 1865.

Surgeon Charles Manners Smith. Dated 19th March 1865.

To be Surgeons.

Assistant Surgeon William Peskett, vice Wilson, retired. Dated 1st April 1863.

Assistant Surgeon Stewart Clark, vice Balfour, retired. Dated 28th May 1863.

Assistant Surgeon Henry Francis Williams, M. D., vice Faithfull, deceased. Dated 10th September 1863.

Assistant Surgeon James Bedford Allen, vice White, retired. Dated 8th March 1864.

Assistant Surgeon Francis Nottidge Macnamara, M. D. Dated 15th June 1864.

ALTERATIONS OF RANK.

The under-mentioned Officers to rank from the dates specified, viz :—

Surgeon Frederick Corbyn, from the 16th May 1863.

Surgeon Charles Lowdell, from the 25th May 1863.

Surgeon John Hooper, from the 10th June 1863.

Surgeon David Young, M. D., from the 24th July 1863.

Surgeon Joseph Fayrer, M. D., from the 28th July 1863.

Surgeon William Henry Adley, from the 24th August 1863.

Surgeon Edward John Vivian, from the 16th September 1863.

Surgeon James Alexander Caldwell Hutchins, from the 25th September 1863.

Surgeon John Barclay Scriven, from the 12th October 1863.

Surgeon Joseph Walter Raleigh Amesbury, from the 18th December 1863.

Surgeon Charles Stewart, M. D., (deceased), from the 20th December 1863.

Surgeon Edward McKellar, from the 20th December 1863.

Surgeon Annesley Charles Castriot De Renzy, from the 12th March 1864.

Surgeon Alexander Christian, M. D., from the 24th March 1864.

Surgeon James Macnabb Cunningham, M. D., from the 1st April 1864.

Surgeon Joseph Christian Corbyn, M. D., from the 8th April 1864.

Surgeon George Moncrieff Govan, M. D., from the 15th June 1864.

Surgeon Richard Henry Perkins, from the 15th June 1864.

Surgeon Stephen Chapman Townsend, from the 15th June 1864.

Surgeon William Burns Beatson, M. D., from the 15th June 1864.

Surgeon Charles Thomas Paske, from the 15th June 1864.

Surgeon Frederick Blyth Dalzel, M. D., from the 15th June 1864.

Surgeon Samuel Bowen Partridge, from the 15th June 1864.

Surgeon Edward Taylor, from 7th August 1864.

Surgeon Henry William Spey, from the 26th September 1864.

Surgeon Alfred James Dale, M. D., from the 1st November 1864.

Surgeon Arthur Young, from the 15th November 1864.

Her Majesty has been pleased to approve of the following appointments to Her Majesty's Indian Medical Service :—

To be Assistant-Surgeons.

BENGAL.

Kenneth McLeod, M. D. Dated 31st March 1865.

James Cleghorn, M. D. Dated 31st March 1865.
Robert Harvey, M. B. Dated 31st March 1865.
Robert Reid. Dated 31st March 1865.
Benjamin Knowles, M. B. Dated 31st March 1865.
Andrew Skeen, M. B. Dated 31st March 1865.
John Bennett, M. D. Dated 31st March 1865.
Robert Bremner Thomson, M. D. Dated 31st March 1865.
James Robertson MacIver, M. D. Dated 31st March 1865.
Edward Barton Gardner. Dated 31st March 1865.
James Kelley, M. D. Dated 31st March 1865.
Lionel Dixon Spencer, M. D. Dated 31st March 1865.

The 8th December 1865.

No. 1134 *of* 1865.—The services of Hospital Steward Frederick William Hall, of the Subordinate Medical Department, are placed temporarily at the disposal of the Government of Bengal.

No. 1135 *of* 1865.—The under-mentioned out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pensions is to be made and charged accordingly :—

	Rate of Pension per diem.
Corporal Daniel Raunaghan, late of Her Majesty's 107th Foot.	1*s.* (one shilling) from the date on which he ceases to receive Regimental pay or allowances.
Gunner James Bartlett, late of No. 4 Battery, 24th Brigade, Royal Artillery.	10½*d.* (ten pence half penny) from the date on which he ceases to receive Regimental pay or allowances.
Gunner Thomas Lennan, late of B. Battery, 19th Brigade, Royal Artillery.	1*s.* (one shilling) from the date on which he ceases to receive Regimental pay or allowances.
Trumpeter Henry Dillon, late of the 24th Brigade, Royal Artillery.	1*s.* (one shilling) from the date on which he ceases to receive Regimental pay or allowances.
Sergeant John Owens, late of Her Majesty's 53rd Foot.	1*s.* 8½*d.* (one shilling and eight pence half penny), payable from 1st October 1860.

No. 1136 *of* 1865.—With reference to Government General Orders noted in the margin, His Excellency the Governor General in Council is pleased to lay down the following revised scale of medical comforts for the use of Invalids proceeding from India to England :—

No. 772 of 1861.
„ 556 of 1865.

Scale of Medical Comforts for 100 *Invalids from India to England.*

Port Wine.	White Wine.	Brandy.	Beer.	Tea.	Sugar.	Sago.	Arrow-root.	Barley.	Oatmeal.	Preserved Meat.	Preserved Soup.	Essence of Beef.	Preserved Potatoes.	Mixed Vegetables.	Pepper.	Mustard.	Vinegar.	Soap.	Rice.	Salt.	Coffee.	Preserved Milk.	Chloride of Zinc.
Bottles.	Bottles.	Bottles.	Pints.	lbs	lbs	lbs	lbs	lbs	lbs	lbs	lbs	½ Pints.	lbs	lbs	lbs	lbs	Bottles.	lbs	lbs	lbs	lbs	Pints.	lbs.
90	108	12	12 doz. Only for use in every exceptional cases.	36	180	5	4	36	120	30	100	100	400	5	4	5	4	6	12	12	52	50	25	12	100	30

N. B.—Lime-juice and sugar will also be issued daily to both Invalids and Troops in health on the following scale :—

For the first 20 days of the voyage ½ oz. of each for adult.
For the remainder of the voyage 1 ditto ditto.

No. 1137 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Punjab Frontier Force, 2nd Cavalry.

Lieutenant R. C. Clifford, of the late 38th Native Infantry, 2nd Doing Duty Officer, 18th Bengal Cavalry, to be 1st Doing Duty Officer, vice Lieutenant T. Higginson, who is allowed to continue in his present appointment as officiating Wing Officer of the 1st Punjab Infantry.

No. 1138 *of* 1865.—The under-mentioned Officers having passed the examination in drill, as provided for in the Rules and Regulations of the Calcutta Volunteer Rifle Corps, their appointments in that Corps which were provisionally made, as notified in the Government General Orders noted in the margin, are confirmed :—

No. 556, „ 752, „ 889 } of 1864.
No. 2, „ 745 } of 1865.

Calcutta Volunteer Rifle Corps.

No. 1 Company, Lieutenant C. J. Connew.
„ 3 Do., Captain F. G. Teale.
„ 5 Do., Lieutenant A. Strand.
„ 6 Do., Captain M. T. Pearson.
Lieutenant J. G. S. Mackenzie.

No. 1139 *of* 1865.—The following Regimental Order issued to the Calcutta Volunteer Rifle Corps is confirmed :—

Dated 6th December 1865.—Notifying the following appointment, subject to his passing the prescribed examination in drill :—

No. 3 *Company.*—Color Sergeant Charles James Alexander Pritchard to be Lieutenant, with effect from the 1st instant, vice Captain Teale, promoted.

No. 1140 *of* 1865.—The under-mentioned Officer of the Royal Engineers, who has been placed under orders for duty in the Bengal Presidency, reported his arrival on the date specified opposite to his name :—

	Date of Arrival at Fort William.
Lieutenant Henry Hardy Cole ...	22nd Nov. 1865.

No. 1141 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Captain Eustace Hill, of the Madras Staff Corps, District Superintendent of Police, Oude. } For six months, without pay.

H. W. Norman, *Colonel,*
Secy. to the Govt. of India.

NOTIFICATION.

Military Department, Calcutta, 8th December 1865.

Under Clause 26 of the Regulations appended to the Regimental Debts' Act of 1863, it is notified that reports of the deaths of the under-mentioned Officers, Non-Commissioned Officer, and Soldier on the dates specified, were received in the Military Department during the month of November 1865 :—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.
21st Hussars ..	Captain W. J. S. Richardes ...	6th May 1865...	At St. Helena
88th Foot ...	Ditto G. S. Watson ...	12th Aug. 1865...	At Galle
31st Native Infantry ...	Major S. E. B. Lees ..	19th Sep. 1865...	At Nynee Tal
Staff Corps ...	Bt. Major H. C. Cattley ...	24th Oct. 1865...	At Meean Meer
Ditto ...	Lieutenant A. M. Ommanney ...	3rd „ „ ...	At Hote-Murdan
Bengal Infantry ...	Major Genl. St. G. D. Showers, C. B.	8th „ „ ...	At Fort William
Sub. Med. Department ...	Hospital Apprentice W. Dearden ...	10th „ „ ...	At Jubbulpore
Invalid Battalion ...	Gunner H. Keough ...	18th „ „ ...	At Chunar

Military Department, Calcutta, the 8th December 1865.

NOTICE

Is hereby given that the amounts on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers, as specified in the Statements published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the month of November 1865.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of.				Rate of Exchange.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.		
												In Co.'s Rupees.	Equivalent in Sterling.	
	Commissioned and Warrant Officers.						Rs. A. P.		Rs. A. P.					
1st Nov. 1865	(*a*) Hastings Broughton Impey	Major, Depy. Commissioner of Sumbulpore ...	70th Regt. N. I. ...	...	Unknown ...	Intestate	20 8 0	...	20 8 0					
4th „ „	(*b*) Henry Phillpotts ...	Captain ...	Bengal Staff Corps ...	...	1st June 1865	Ditto	286 10 0	..	286 10 0					
7th „ „	(*c*) James Henry Butler, F. R. C. S.	Depy. Inspr. Genl. of Hospls., Lahore Circle ...	.....	...	2nd June 1865	Testate	118 11 0	...	118 11 0					
11th „ „	(*d*) James William Smith ...	Captain ...	Late 22nd Regt. N. I. ...	...	19th July 1862	Intestate	6 9 0	...	6 9 0					
18th „ „	(*e*) William Adam Anstruther Thomson ...	Lieut. Col., Agent Governor General, Moorshedabad ...	Late Bengal Cavalry ...	...	3rd Aug. 1865	Testate	290 0 0	...	290 0 0					
21st „ „	(*e*) Ditto ...	Ditto ...	Ditto ...	...	Ditto ...	Ditto	3 10 0	...	3 10 0					
24th „ „	(*f*) Walter Rawlins ...	Lieutenant ...	Madras Staff Corps ...	...	15th Feb. 1865	Intestate	233 0 0	...	233 0 0					
24th „ „	(*g*) John Nelson Thomas ...	Major and Brevet Lieut. Colonel ...	Late 39th Regt. N. I. ...	...	21st Mar. 1865	Ditto	500 0 0	...	500 0 0					
	Warrant Officers.													
13th „ „	(*h*) William Byrns	Apothecary ...	Sub. Medical Department	...	1st Aug. 1865	Intestate	227 7 10	..	227 7 10					
21st „ „	(*i*) John Donald Berkeley ...	Hospital Steward ...	Sub. Medical Department	...	31st Aug. 1865	Testate	220 9 9	...	220 9 9					
	Carried over, Rs. ...	.....	.....	...	.....	...	1,907 1 7	...	1,907 1 7					

(*a*) Written back by debit to Central Provinces, as per authority of the Military Accountant.
(*b*) Widow, Mrs. Adelaide Matilda Sophia Phillpotts; children, Henry Eden and Cecil Arthur.
(*c*) Widow in England.
(*d*) Next of kin, mother, Ellen Smith, "The Grove," Windsor, England.
(*e*) Widow, Mrs. Isabella Eliza Anstruther Thomson, and two children.
(*f*) Widow, Mrs. Maria Elizabeth Rawlins, and a daughter, Elizabeth Annie Rawlins, in England.
(*g*) Widow, Mrs. Caroline Letitia Thomas, and six children.
(*h*) Widow, Mrs. Mary Byrns, at Jubbulpore.
(*i*) Widow, Mrs. Amelia Berkeley, at Agra.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers, &c.,—continued.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of.				Rate of Exchange.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.		
												In Co.'s Rupees.	Equivalent in Sterling.	
							Rs. A. P.		Rs. A. P.					
	Brought forward ...	... ...	... ...	...	... ...	...	1,907 1 7		1,907 1 7					
	Non-Commissioned Officers and Soldiers.													
11th Nov. 1865	(a) John S. Swanson ...	Sergeant ...	Sappers and Miners ...	232	20th Aug. 1858	Unknown	24 0 0	...	24 0 0					
„ „ „	(a) William H. Willis ...	Ditto ...	Ditto	293	14th Nov. 1858	Ditto	24 0 0	...	24 0 0					
„ „ „	(b) Samuel Allister ...	1st Corpl. & Acting Sergeant ...	Ditto	369	3rd Aug. 1858	Testate	24 0 0	...	24 0 0					
„ „ „	(c) William Abel ...	2nd Corporal ...	Ditto	421	22nd May 1858	Unknown	18 0 0	...	18 0 0					
„ „ „	(c) Alfred Burton ...	Corporal ...	Ditto	434	23rd Sep. 1859	...	18 0 0	...	18 0 0					
„ „ „	(c) Hugh Gregson ...	2nd Corporal ...	Ditto	423	17th June 1858	Unknown	18 0 0	...	18 0 0					
„ „ „	(c) Alfred Exeter Pearse ...	Private ...	Ditto	446	23rd Apl. 1858	...	18 0 0	...	18 0 0					
„ „ „	(c) John Richardson ...	2nd Corporal ...	Ditto	436	19th Apl. 1858	...	18 0 0	...	18 0 0					
„ „ „	(c) Richard Skeffington ...	Corporal ...	Ditto	431	22nd July 1859	...	18 0 0	...	18 0 0					
	Total, Rs. ...	.....	.....	...	.....	..	2,087 1 7	...	2,087 1 7					

(a) Next of kin not known.
(b) Legatee, father, Robert Allister, Bridge Street, Lisburn, County Antrim, Ireland.
(c) Next of kin not known.

FORT WILLIAM;
PAY OFFICE,
The 30th November 1865.

C. F. M. MUNDY, *Lieut. Colonel,*
Presidency Pay Master.

Statement of Deposits made at the Presidency Pay Office on account of the Estate of a deceased European Commissioned Officer of Her Majesty's British Military Service in the month of November 1865.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of money accruing from the adjustment of the Estate.	Amount of Donation Batta due to the Estate.	Total unclaimed amount deposited.	How disposed of.				Rate of Exchange.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Amount remitted for payment in England. Equivalent in Sterling.	
	Commissioned Officer.													
6th Nov. 1865	(*a*) George Rogers	Lieut. and Adjt. ...	2nd Battalion Rifle Brigade	...	4th Aug. 1865	Intestate	Rs. A. P. 236 10 1	...	Rs. A. P. 236 10 1					

(*a*) Widow, Mrs. Mary Anne Rogers, and two children, Grosvenor Place, Margate, Kent, England.

C. F. M. MUNDY, *Lieut. Colonel,*
Presidency Pay Master.

FORT WILLIAM;
PAY OFFICE,
The 30th November 1865.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 434.

Fort William, the 4th December 1865.

NOTIFICATIONS.

In continuation of Public Works Department Notification No. 380 of the 24th October 1865, Mr. F. Rose, Overseer, 3rd Grade, Hyderabad, is promoted to the rank of Overseer, 2nd Grade, with effect from the 1st October 1865.

No. 435.

The 6th December 1865.

Gunnesh Wassoodeo, Overseer, 3rd Grade, Hyderabad, is permitted, at his own request, to resign his appointment in the Public Works Department.

REVENUE—FORESTS.

No. 28 F.

The 5th December 1865.

Mr. F. Read, Conservator of Forests in Oudh, is granted an extension of leave, on medical certificate, for a period of six months, to the 1st of February 1866.

No. 29 F.

The 7th December 1865.

Lieutenant G. J. VanSomeren, appointed 1st Assistant Conservator of Forests in the Mysore Provinces, on probation, in Public Works Department Notification No. 147, dated the 30th May 1864, is confirmed in that appointment from the 9th May 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

Just published—Price Five Rupees.

VOLUME II.

OF

SELECTIONS

FROM

CALCUTTA GAZETTES

OF THE

Years 1789 to 1797.

SHOWING THE POLITICAL AND SOCIAL CONDITION OF THE ENGLISH IN INDIA

SEVENTY YEARS AGO.

BY

W. S. SETON-KARR, C. S.,

Judge of the High Court of Judicature and President of the Record Commission.

Copies of Volume I. are still available, Price Rs. 3. Apply to O. T. Cutter, Military Orphan Press.

CALCUTTA PUBLICK LIBRARY

Quarterly Report for the Quarter ending 30th September 1865.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in July 1865.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	Remarks.
1	Lister -	N. W. P.	Sandheads. 11th Dec. 1862	17th Dec. 1862	Leave on medical certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Meres -	B. -	29th Nov. 1864	1st Dec. 1864	Passed in Bengali on 1st March 1865.
2	Neill -	N. W. P.	25th Nov. 1864	28th Nov. 1864	Passed for a Certificate of High Proficiency in Hindi on 1st May last. Qualified for the public service, having passed in Urdu on 1st February, and in Hindi on 1st March last. Gained a donation of Rs. 800 for passing in two languages in three months. Studying for Honors in the Urdu language.
3	Rampini -	B. -	29th Nov. 1864	1st Dec. 1864	Passed for a Certificate of High Proficiency in Urdu on the 1st instant, and for a Certificate of High Proficiency in Bengali on 1st May last. Qualified for the public service, having passed in Urdu on 3rd January, and in Bengali on 1st March last. Gained a donation of Rs. 800 for passing in two languages in three months.
4	Smeaton -	B. -	19th Oct. 1864	1st Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st June last. Qualified for the public service, having passed in Urdu on 1st February, and in Bengali on 1st March last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.

HINDI.

1	Pears -	N. W. P.	30th Nov. 1864.	1st Dec. 1864.	Passed on the 1st instant. Qualified for the public service, having passed in Urdu "with marked Proficiency" on 1st May last. But not entitled to a Medal of Merit, this being his sixth examination.
2	Nicholls -	N. W. P.	29th Nov. 1864	1st Dec. 1864	Absent on medical certificate. Passed in Urdu on 1st June 1865.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

BENGALI.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	Remarks.
1	Hodgkinson -	B. -	25th Nov. 1864	28th Nov. 1864	Passed on the 1st instant. Qualified for the public service, having passed in Urdu on 1st April 1865. Studying for Honors in the Bengali language.
2	Gordon -	B. -	12th Nov. 1864.	17th Nov. 1864.	Passed for a Certificate of High Proficiency in Bengali on the 1st instant. Qualified for the public service, having passed in Bengali on 1st February, and in Urdu on 1st April last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.
3	Manson -	B. -	12th Nov. 1864	17th Nov. 1864	Absent on medical certificate. Passed in Urdu on 1st April last. Qualified for the public service, having passed in Bengali on 1st February last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Bengali language.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in August 1865.

PERSIAN.

Nos	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	Remarks.
1	Lister -	N. W. P.	Sandheads. 11th Dec. 1862	17th Dec. 1862	Leave on medical certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Meres -	B. -	29th Nov. 1864	1st Dec. 1864	Passed on the 1st instant. Qualified for the public service, having passed in Bengali on 1st March 1865.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

URDU,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	Remarks.
2	Smeaton -	B. -	19th Oct. 1864	1st Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st June last. Qualified for the public service, having passed in Urdu on 1st February, and in Bengali on 1st March last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.
3	Gordon -	B. -	12th Nov. 1864	17th Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st July last. Qualified for the public service, having passed in Bengali on 1st February, and in Urdu on 1st April last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.
4	Neill -	N. W. P.	25th Nov. 1864	28th Nov. 1864	Passed for a Certificate of High Proficiency in Urdu on the 1st instant, and for a Certificate of High Proficiency in Hindi on 1st May last. Qualified for the public service, having passed in Urdu on 1st February, and in Hindi on 1st March last. Gained a donation of Rs. 800 for passing in two languages in three months. Studying for Honors in the Sanskrit language.

HINDI.

1	Nicholls -	N. W. P.	29th Nov. 1864	1st Dec. 1864	Passed in Urdu on 1st June 1865.

BENGALI.

1	Hodgkinson -	B. -	25th Nov. 1864	28th Nov. 1864	Passed in Bengali on 1st July last. Qualified for the public service, having passed in Urdu on 1st April last. Studying for Honors in the Bengali language.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

BENGALI,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	Remarks.
2	Manson -	B. -	12th Nov. 1864	17th Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on the 1st instant. Qualified for the public service, having passed in Bengali on 1st February, and in Urdu on 1st April last. Gained a donation of Rs. 800 for passing in two languages in four months.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, Bengali, and Sanskrit held in September 1865.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	Remarks.
1	Lister -	N. W. P.	Sandheads. 11th Dec. 1862	17th Dec. 1862	Leave on medical certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Smeaton -	B. -	19th Oct. 1864	1st Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st June last. Qualified for the public service, having passed in Urdu on 1st February, and in Bengali on 1st March last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.
2	Gordon -	B. -	12th Nov. 1864	17th Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st July last. Qualified for the public service, having passed in Bengali on 1st February, and in Urdu on 1st April last. Gained a donation of of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.

HINDI.

1	Nicholls -	N. W. P.	29th Nov. 1864	1st Dec. 1864	Passed on the 1st instant. Qualified for the public service, having passed in Urdu on 1st June 1865.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

BENGALI.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	Remarks.
1	Hodgkinson -	B. -	25th Nov. 1864	28th Nov. 1864	Passed in Bengali on 1st July last. Qualified for the public service, having passed in Urdu on 1st April last. Studying for Honors in the Bengali language.

SANSKRIT.

1	Neill -	N. W. P.	25th Nov. 1864	28th Nov. 1864	Passed for a Certificate of High Proficiency in Urdu on 1st August last, and for a Certificate of High Proficiency in Hindi on 1st May last. Qualified for the public service, having passed in Urdu on 1st February, and in Hindi on 1st March last. Gained a donation of Rs. 800 for passing in two languages in three months. Studying for Honors in the Sanskrit language.

By Order of the Board of Examiners,

W. N. LEES,
Secy. to the Board of Examiners.

FORT WILLIAM,
The 2nd December 1865.

No. 4822.

By Order of His Excellency the Governor General,

W. E. WARD,
Offg. Under Secy. to the Govt. of India.

FORT WILLIAM, HOME DEPT.,
The 7th December 1865.

ADVERTISEMENTS.

NOTIFICATION.

In order to facilitate the transfer of the management of the public debt to the Bank of Bengal, which will take effect from the 2nd of January 1866, no Promissory Notes will be received at this Office, either for payment of interest or for renewal, after the 22nd December 1865.

By Order of the Government of India,

R. P. HARRISON,
Comptroller Genl. of Accounts.

FORT WILLIAM;
LOAN OFFICE,
The 14th October 1865.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office :—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Allahabad Circle Notes for Rupees			1,23,370
Lahore	„	„	5,91,060
Nagpore	„	„	49,650

(Sd.) H. HYDE,
Head Commissioner.

2nd December 1865.

L

NOTICE.

An Exhibition of Arts and Manufactures will be held at Nagpore, from the 26th of December 1865 to the 2nd of January 1866.

Prizes to the amount of Rs. 15,000 will be awarded.

For particulars, apply to the Secretary to the Central Exhibition Committee, Nagpore.

NOTICE.

The under-mentioned Government Promissory Note, belonging to the undersigned, has been destroyed by white-ants. Application is about to be made to the Loan Office for a duplicate :—

No. 7765 of the 4 per cent. loan of 1832-33, for Sicca Rupees 400.

ANN GOMES.

CALCUTTA,
The 25th November 1865.

NOTICE.

The under-mentioned five Government Promissory Notes, belonging to the undersigned, having been more or less destroyed by white-ants, application is about to be made to the Loan Office for duplicates :—

No. 82172 of the 5 per cent. loan of 1856-57, for Co.'s Rs. 1,000.
,, 26206 of the 5 ,, ,, of ,, for ,, 600.
,, 3781 of the 5 ,, ,, of ,, for ,, 700.
,, 60810 of the 5 ,, ,, of ,, for ,, 700.
,, 983 of 1086 of the 4 per cent. loan of 1835-36, for Co.'s Rs. 500.

R. H. CUNLIFFE.

CALCUTTA,
The 25th November 1865.

NOTICE.

CALCUTTA MUNICIPALITY.

A Special General Meeting of the Justices of the Peace for the Town of Calcutta will be held at the Town Hall, at eleven o'clock A. M., on Tuesday the 12th December 1865, for the following purposes :—

FOR DISPOSAL.

1. Letter from Government of Bengal and correspondence, relating to the payment of the Calcutta Police from the Municipal Funds, with Report of the Finance Committee thereon.
2. Letter from Government of Bengal, respecting the transfer of the Town Hall to the Justices, with Report of Finance Committee thereon.
3. Letter and correspondence received from the Government of Bengal, respecting a system of sanitary supervision in the Town and Districts under the jurisdiction of the Civil Authorities, with the Report of the Conservancy Committee thereon.
4. Letter from Government of Bengal, respecting an amendment of Section X of Act VI of 1863, so as to admit of the Chairman of the Justices being appointed a Member of the Council of the Lieutenant Governor for making Laws and Regulations.

FOR INFORMATION.

1. Letter from Government of Bengal, sanctioning the Budget of Income and expenditure of the Municipality for the year 1866.
2. Letter from Government of Bengal, sanctioning the measures proposed for taking a census.

ROBT. TURNBULL,
Secy. to the Justices of the Peace.

OFFICE OF THE JUSTICES OF THE PEACE;
1, CHOWRINGHEE ROAD,
Calcutta, the 30th November 1865.

বিজ্ঞাপন।

কলিকাতার মুনিসিপল কমিটি।

পশ্চাৎ লিখিত কার্য্য নির্ব্বাহার্থে কলিকাতা নগরের শান্তিরক্ষার্থ সর্ব্ব সাধারণ জুষ্টিসদিগের বিশেষ সভা ১৮৬৫ সালের ১২ ডিসেম্বর মঙ্গলবারে বেলা ১১ ঘণ্টার সময়ে কলিকাতার টৌনহালে হইবে।

নিষ্পাদনার্থ কার্য্য।

১। মুনিসিপল ফণ্ড হইতে কলিকাতার পুলিসের বেতন দেওন বিষয়ে বঙ্গদেশের গবর্ণমেণ্টের পত্র ও লিখন এবং তদুপোলক্ষে ফাইনান্স কমিটীর রিপোর্ট।

২। টৌনহাল জুষ্টিসদের হস্তে অর্পণ করণ বিষয়ে ভারতবর্ষের গবর্ণমেণ্টের পত্র তদুপোলক্ষে ফাইনান্স কমিটীর রিপোর্ট।

৩। সিবিল সম্পর্কীয় কার্য্যকারকদের আধিপত্যগত নগর ও জিলাতে স্বাস্থ্য রক্ষার্থ বিধির বিষয়ে বঙ্গদেশের গবর্ণমেণ্ট হইতে প্রাপ্ত পত্র ও লিখন পঠন ও তদুপোলক্ষে নগর পরিপাটী করণার্থ কমিটীর রিপোর্ট।

৪। জুষ্টিসদের সভাপতি আইন ও ব্যবস্থা করণার্থ শ্রীযুক্ত লেপ্টেনেণ্ট গবর্ণর সাহেবের মন্ত্রি সভার মেম্বর স্বরূপ নিযুক্ত হইতে পারেন, এতদর্থে ১৮৬৩ সালের ৬ আইনের ১০ ধারা সংশোধন করণবিষয়ে বঙ্গদেশের গবর্ণমেণ্টের পত্র॥

বিজ্ঞাপণার্থ কর্ম্ম।

১। মুনিসিপল কমিস্যনরদের ১৮৬৬ সালের আয় ব্যয়ের বজেট সম্পর্কে বঙ্গদেশের গবর্ণমেণ্টের সম্মতি জ্ঞাপক পত্র।

২। নগর বাসি লোকদের নামাদির নির্ঘণ্ট প্রস্তুত করণের প্রস্তাবিত নিয়মে বঙ্গদেশের গবর্ণমেণ্টের সম্মতি জ্ঞাপক পত্র।

আর, ডবলিউ, টর্নবুল।
শান্তিরক্ষার্থ জুষ্টিসদিগের সেক্রেটারী।

চৌরঙ্গি রাস্তার
জনৎ ভবনে শান্তিরক্ষার্থ
জুষ্টিসদিগের কার্য্যালয়।
কলিকাতা। ১৮৬৫ সাল ৩০ নবেম্বর।

NOTICE.

Notice is hereby given that, in conformity with Section XV of the Charter (Act IV of 1862), a meeting of the Proprietors of the Bank of Bengal will be held at the Bank on Monday, the 11th December, at 10 A. M., to elect two Directors in the rooms of Messrs. H. Dundas and James Rome, who go out by rotation.

By order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

BANK OF BENGAL;
CALCUTTA,
22nd November 1865.

IN THE COURT FOR RELIEF OF INSOLVENT DEBTORS AT SINGAPORE.

In the matter of *Joaquim d'Almeida* and *Jose d'Almeida*, of Singapore, Merchants, carrying on business at Commercial Square in the Town and Island of Singapore, in the name and style of *Jose d'Almeida and sons*,— Insolvents.

On Monday, the 28th day of August instant, it was ordered that Wednesday, the 28th day of February next, should be appointed for the further hearing of this matter for the purpose of making a dividend.

Any creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvents, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.

GEO. W. LECERF,
Chief Clerk.

CHIEF CLERK'S OFFICE,
Singapore, 30th August 1865.

REWARD.

On the evening of the 11th November, a gold watch, value Rs. 225, marked Royal Exchange, James Murray, Maker, and No. 6033, was stolen from the house of Baboo Kristolall Pandey in Gora Bazar. Rs. 25 is offered for the recovery of the same. Apply to the undersigned.

C. JENNINS,
Offg. Dist. Supdt. of Police,
Moorshedabad.

The 14th November 1865.

WANTED.

A 2nd Clerk for the Gya Collectorate, on a salary of Rs. 60 per mensem. He must be acquainted with English and Oordoo, and be able to translate.

Applications to be addressed, post paid, accompanied by testimonials.

H. KEAN,
In charge.

GYA COLLECTORATE,
The 21st November 1865.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Applications, with copies of testimonials as to character and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

FOR SALE.

A Quarter-Share in a flourishing Tea Plantation, situated in Upper Assam, comprising 8,300 acres of Forest land, and 200 acres stocked with healthy one and two year old plants. For further particulars, apply to

A. SANDERSON,
6, *Bankshall Street.*

LOST.

The undersigned hereby notifies for general information that a Government Promissory Note No. 40718 of 4 per cent. Loan of 1854-55, dated 30th June 1854, standing in her name, for Rs. 15,000, was, on the night of the 10th instant, lost on the road to Pooducottah, near Nellore, in the Madras Presidency. The community in general are hereby prohibited from receiving the same. An application for the issue of duplicate has been made to the proper Authorities.

अंबुबाई
AMBOOBOYEE.

TRICHINOPOLY,
21st January 1865.

LOST OR STOLEN.

Currency Note No. 33201, of the Calcutta Circle, for Rs. (1,000) one thousand, between Allahabad and Cawnpore. Application for payment has been made to the Commissioner, Paper Currency, Calcutta.

ENAYUT RUSSOOL,
Talookdar, Rudowlee, Oudh.

چودري عنايت رسول تعلقه دار پرگنه ردولي

ZILLAH DURRIABAD,
OUDH;
The 21st November 1865.

STOLEN OR LOST.

A Government Promissory Note, No. 43042 of 1854-55, of 4 per cent. loan (on Cawnpore Treasury), for Rs. 2,000, payment of which has been stopped, as also a few testimonials, all in a box, from Dâk Garry from Lucknow *en route* to Cawnpore, near Bunthara, on the 17th October 1865. Any person giving such information as will lead to the recovery of the Note will be handsomely rewarded by

JOYNARAIN, the youngest brother
of Moonshee Ram Narain,
Old Genl. Gunj, Cawnpore.

MOONSHEE RAM NARAIN'S HOUSE,
OLD GENL. GUNJ, CAWNPORE,
The 23rd November 1865.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XIV, corrected in the Office of the Adjutant General up to the 15th of October, is now ready. Price five Rupees *in advance*, and eight annas extra if sent by post. Apply to

CALCUTTA,
6, *Bankshall Street.*

O. T. CUTTER, *Publisher.*

The Sarawuk, Jaenee, Hindustan Banking and Trading Company, "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, No. 186, OLD CHINA BAZAR.

DIRECTORS:

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.

LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.

LALLAH BARROOMULL, of Saharunpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hyderabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demnad, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At	3 months' notice,	3 per cent.
	6 do.	4 per cent.
	12 do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver, and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the under-mentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

FOR SALE.

Price Five Rupees per Volume.

A COLLECTION of TREATIES, ENGAGEMENTS, and SUNNUDS, relating to India and neighbouring countries, compiled by C. U. Aitchison, B. C. S., Under Secretary to the Government of India in the Foreign Department.

VOLUME I.—Containing the Treaties, &c., relating to Bengal, Burmah, and the Eastern Archipelago. Super royal, 8vo. pp. 372, with three Maps.

VOLUME II.—Containing the Treaties, &c., relating to the North-Western Provinces, Oudh, Nepal, the Punjab, and the States on the Punjab Frontier. Super royal, 8vo. pp. 456, with two Maps.

VOLUME III.—Containing the Treaties, &c., relating to the Peishwa, Nagpoor, and Bundlecund. Super royal, 8vo. pp. 588.

VOLUME IV.—Containing Treaties, &c., relating to the States in Rajpootana, Central India, and Malwa.

VOLUME V.—Containing Treaties, &c., relating to Hyderabad, Mysore and Coorg, the Madras Presidency, and Ceylon.

VOLUME VI.—Containing Treaties, &c., relating to the States within the Bombay Presidency.

Apply to

O. T. CUTTER,
Military Orphan Press.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 34.



CALCUTTA POST OFFICE

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, DECEMBER 9, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.

The Council met at Government House on Friday, the 1st December 1865.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble J. N. Bullen.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

The Hon'ble Mr. Gordon took the oath of Allegiance, and the oath that he would faithfully discharge the duties of his Office.

RAILWAY ACT AMENDMENT BILL.

The Hon'ble Mr. Taylor, in moving for leave to introduce a Bill to amend Act No. XVIII of 1854, (relating to Railways in India), said that experience had shown that the Act, even as amended by the subsequent enactment No. LII of 1860, was inoperative in a certain class of cases which ought to be plainly provided for by law, both in the interest of the public and of the Railway Companies.

First of all, the preamble of the existing Act limited its application to Railways under the superintendence and control of the State. It was desirable that it should now be made applicable to all railways and tramways in India, used for the public conveyance of goods and passengers, and also to portions of lines passing through foreign territory, so far as that might appear to be expedient or necessary.

Then difficulties had been found to exist both as regarded the infliction of penalties for disturbances or breaches of the peace, or for any act tending to inconvenience the public or obstruct the Railway Officers in the performance of their duty; and also in respect of the recovery of fines and forfeitures for omissions or offences by the servants of the Companies.

Further there was nothing in the present law to prevent a Railway being used for the conveyance of passengers and goods before it had been declared by a responsible Government Officer to be in a fit state for public traffic: nor was there any provision for the punishment of omissions or offences committed in respect to accidents happening on such unfinished portions of lines as, though open for the conveyance of Railway materials, were not open to public traffic.

To provide for these and other matters a Bill was drafted about three years ago, into which such amendments of the existing law as seemed to be practically required were introduced. That Bill was referred for the opinion and suggestions of the Local Governments, from all of whom replies had now been received.

The Bill which he now asked His Excellency's permission to introduce, would be so drawn as to incorporate the provisions of the Draft Bill of 1862 with the existing Acts and with such additions and amendments as seemed necessary. It was proposed to repeal Acts XVIII of 1854 and LII of 1860 in toto, and to consolidate the law relative to Railways in India into one comprehensive enactment.

Thus the Bill would provide plain and practical rules in all matters relating to passengers and goods, for the better protection of the servants and property of the Companies, and for the greater convenience and safety of the public, than was secured under the present law.

He would only add that, looking to the continued and rapid expansion of our magnificent system of Railways in India, it seemed very desirable that the law which governed their working and their management in relation both to the public and to the Companies, should be placed as early as might be practicable on a really satisfactory footing.

The Motion was put and agreed to.

Partnership Law Amendment Bill.

The Hon'ble Mr. Maine, in moving for leave to introduce a Bill to amend the Law of Patnership in India, said that that the Bill which he had the honour to ask leave to introduce was, with some alterations necessitated by Indian procedure, transcribed from a Statute which passed the English Parliament during the last Session. If it became law he hoped it would have the same effects as the French system of partnership *en commandite*. He had called attention at the last sittings to the subject of commanditarian partnership, not because he had a distinct proposal to offer, but because he thought opinion in England ripe for a change in the rule of liability, and because he considered that there were even more reasons for the subject to be discussed in India than called for its discussion at home. If the matter had gone further, and he had proposed that the Council should pass the only Bill which was then before the English Parliament, he should have stated that, however desirable it might be to pass the Bill as a temporary measure, there were some strong objections to it as it was framed. The Bill was well drawn in a technical point of view, but practically it adopted the whole of the French rules on the subject of commanditarian partnership ; and many of these rules he considered to be greatly at variance with English commercial habits. In the first place, the necessity of publicly registering advances made upon limited liability was imposed ; and although he hoped to be able to show that such advances really tended to strengthen instead of weaken the firm which received them, yet he believed that the effect of registration would be to cast discredit on the firm taking advantage of the new law, and thus the operation of the Act would be greatly narrowed. The Bill, moreover, contained the minute provisions of the French law as to the extent to which the limited partner might interfere with the business. Mr. Maine thought it would practically be found that the persons who would most justifiably engage in commanditarian transactions, namely, the non-mercantile classes and women, would, out of mere nervousness and anxiety, and without knowing what they were doing, bring themselves within the danger of the prohibitions, and thus be involved in unlimited liability. Entertaining these objections, he would probably have added that there appeared to him a much simpler way of attaining the same end. There was only one single rule of English law—and that not a venerable rule—in the way of commanditarian investments, and he would have expressed the hope that, when the Indian Law Commissioners sent out the next part of the new Civil Code, they would be found to have omitted the objectionable rule. Happily, Parliament had followed the very course which he expected the Law Commissioners to take. It had repealed the rule in question ; and in this instance had not incurred the reproach so often directed against English legislation, that when the consequences of a legal principle become inconvenient, it never ventures to repeal the principle, but merely cuts off the inconveniences. He would read the first Section of the Bill—

"The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking, upon a contract in writing with such person that the lender shal receive a rate of interest varying with the profits, or shalll receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such."

The rule adverted to was of course that which the Section disaffirmed. Then followed one of those convenient Explanations, invented by Lord Macaulay and introduced into the Penal and Civil Codes—

"A person who being entitled, whether as a retiring partner or otherwise, to demand and receive present payment o the value of any share or interest of or in the capital or other funds of a business shall, after the value thereof shall have been ascertained between such person and the person or persons liable to pay the same, allow the same to remain therein or to be used by such person or persons for the purposes of such business, shall be construed to make an advance of money by way of loan within the meaning of this Section."

Mr. Maine then continued : "It would perhaps be enough if I stopped there and asked leave to introduce the Bill merely as copied from an English Statute. In matters of mercantile law, it is obviously desirable that Indian should follow English legislation. But as it may not be clear how the objects attained by commanditarian partnership are secured by a measure like this, I will ask the Council to let me say a few words as to the probable operation of the measure.

"I will begin by stating that, in order to place the law of partnership on the reasonable footing on which it is placed by the Limited Liability Acts, it is not by any means necessary to discredit the general principle of unlimited liability between partners. Even if I thought that principle irrational—which I do not—I should never venture to interfere with it, considering the extent to which it is bound up with all English commerce. But all that is necessary is to set aside certain illogical and artificial applications of it. On what, then, does the principle of unlimited liability depend? It depends on the doctrine that partners are agents for one another with full powers. And indeed it has been laid down by the House of Lords that there is no true law of partnership in England, but that partnership is merely a department of the law of agency. Just, then, as an agent with full powers can bind his principal up to the full extent of his means, so one partner acting within the sphere of the business, can bind the others up to the full extent of their powers of payment.

"If, however, we reflect, we shall see that there are some applications of the principle of agency to partnership which break down. The principle, for example, breaks down in its application to large joint-stock associations, because the very object of forming those associations, is that they may act through an agency of a totally different descrip-

tion, as for example a Board of Directors. There is no reason, nor has there ever been any reason, why the subscribers should not be allowed by public notice to declare the extent to which they intend to limit the power of their agents and therefore their own liability. This privilege, however, of limiting their liability was conferred on them by recent Joint Stock Company Acts. But at the same time I think that Parliament in in passing those Acts, did not so much overturn or encroach upon as protect the rule of unlimited liability by forbidding a perverse and abusive application of it. It is still more in the interest of the general principle of liability that the rule at which the first Section of the Bill is aimed should be set aside. For it is not even a superficially logical consequence of the fundamental principle. The fundamental rule is that partners are agents for each other within the scope of their business. The derivative rule is that a man becomes a partner by stipulating for a share of the profits of a trader to whom he makes an advance. There is no apparent connection between the two propositions. And the real wonder is how the rule made its way into English law. It is not an old rule: it is no older than the time of Lord Mansfield; and when the case which established it is examined, it becomes at once evident that the object of the Court was to defeat the law of usury. Putting aside the case of negotiable instruments, it was at that time illegal to stipulate for more than five per cent. interest, and when a person had bargained for more than the legal rate, not only did the contract fail as regarded the excess above the legal rate, but the entire contract was considered to be tainted with usury and was wholly invalid. Of course the sound ideas which now prevail on the subject of the interest of money had not fully made their way into men's minds. But still people were to some extent alive to the fallacy underlying the usury laws, and the Courts of law exerted themselves strenuously to prevent their absurdest consequences. The readiest expedient for defeating them was to rule that the contract which was the subject of suit was not a contract of loan at all, but a contract of a wholly different description. Thus in the case before Lord Mansfield, a man had stipulated that he should be remunerated for a loan by a share in the profits of a trading firm. But it turned out on calculation that he had bargained for more than five per cent. on his advance. The legal consequence would have been that the contract was invalid. This Lord Mansfield would not allow, and, *ut res magis valeret quam periret*, ruled the contract to be one of partnership, and therefore not invalid. The rule thus established was therefore a mere legal fiction invented to serve a temporary purpose and as usual its collateral inconveniences were greater than its immediate advantage. It has very justly been remarked that, as the rule originated in the usury laws, so it was doomed when those laws were abolished. The state of the law now is that a man may stipulate for what rate of remuneration by way of interest he pleases, so long as the rate is calculated on the amount of the advance. If, therefore, a Calcutta merchant on retiring leaves a lakh of rupees in his house of business and bargains for eighty per cent. on his ten thousand pounds, the contract is perfectly legal, and he risks nothing more than the lakh of rupees. But if he leaves the same sum in the business and stipulates for eight or ten per cent. on the profits, he endangers every shilling and every acre he possesses. It is needless to say which is the fairer arrangement. One is perfectly just and the other sucks the very life-blood out of the firm. Yet it is the policy of the law to discourage the more equitable and to encourage the more inequitable arrangement. I venture to lay down broadly that no argument whatever can be directed against the proposed change of the law which will not tell with tenfold force against the law as it is.

"As to possible objections to the Bill, though they are more properly dealt with at another stage, I will notice one which is very commonly taken, because, while it is extremely obvious, the answer to it is not immediately obvious to any body but a lawyer. It may be asked, if you allow persons to advance money with limited liability upon condition of sharing the profits, what security have you that capitalists will not begin to trade through clerks and agents who are men of straw, while at the same time they will risk less than other traders? I might reply by saying that capitalists might do it now if they framed their contracts properly. The best answer, however, is that this Bill provides no more than that a stipulation for a share in the profits shall not by itself constitute the lender a partner. Such a stipulation will still remain one of the *indicia* of partnership, but it will no longer be conclusive. If there is something more, if the contract bargains for such powers of interference, or of removing the ostensible partners as show that they were intended to be merely agents, or if, without reference to the letter of the contract, such powers are shown to have in fact been exercised, in such a case there will be other ingredients present. The Courts in the exercise of their ordinary jurisdiction will no doubt apply the principle of agency and construe the lender to be the partner of the ostensible traders. And I would much rather trust the Courts to put a stop to these malpractices than introduce the minute rules of the French law which are sure to prove snares to the unwary. Meantime any merchant retiring and leaving any sum of money in his business, and merely bargaining for such a power of inspecting the books as will give him reasonable information as to the state of the firm, will be perfectly safe, and will merely risk the amount which he has deliberately staked.

"I will conclude by remarking that, even if I thought the expediency of the new law in England as doubtful, as I think it clear, there would still be special reasons for altering the rule of liability in India. In the first place I am told by a high authority that the Natives of India practise among themselves a system of commanditarian partnership, and that, for example, a capitalist in Calcutta or Delhi will advance money to a merchant in Málwá or Rájputána on condition of being remunerated by a share in the trading profits. But I hear also that the system is giving way under the influence of English law, directly in the Presidency Towns, and indirectly in the Mofussil. But it is chiefly in the interest of the European firms doing business in the Presidency Towns that I believe the new law to be desirable. I shall not be contradicted when I say that the constitution of those firms is generally as follows: There is a series of partners who come out one or two at a time. Each expects to remain a moderate time in the country, to realize a fortune, and to carry it home on retirement. If he obeyed natural motives,

the retiring partner would leave a large portion of his fortune in the business, because the interest he would receive would be much more than was obtainable in open market, and because he would be apt to have confidence in partners who would succeed him and whom he has himself chosen. But this rule of English law stands in the way, and years afterwards the indiscretion of a partner whom he has never seen may cost him the whole of his property. The direct tendency, therefore, of the existing law appears to be this. It produces withdrawals of capital on retirements of partners in a country where those retirements are extraordinarily frequent. The process is, however, insensible: the public knows nothing about it, and hence the credit and operations of the firm may remain the same as before. I know, indeed, my Hon'ble friends will doubtless tell us that the evil is much mitigated by private arrangements among the partners, under which it is agreed that retiring partners shall not withdraw more than a certain amount of capital within a certain time: and, indeed, I will add, to prevent any misconstruction of my words, that the great actual stability of the leading firms in the Presidency Towns proves that some process is going on which counteracts the tendency. Still the tendency is distinct, and we may depend that in such a case it has effect in more instances than we are aware of, and perhaps in the majority of instances. That tendency is to withdraw capital without diminishing credit, which is the most unwholesome state of things that can possibly exist in trade. This is not a speculative opinion of mine: indeed I should not venture a speculative opinion on such a point. I had lately the advantage of conversing on this subject with a gentleman who was formerly Chief Justice of the Supreme Court here, and he was convinced that certain insolvencies which were felt at the time throughout India as public calamities—insolvencies of a kind which never occur now-a-days—were due to subtractions of capital through fear of unlimited liability. I have obtained the Schedules of those insolvencies from the Insolvent Court, and so far as I can understand their story, it seems to me to bear out that theory. And with regard to the question whether advances on limited liability should be publicly registered, I must say that it struck me on reading these Schedules that it would be much fairer and juster to the public if we compelled the registration, not of advances made on limited liability, but of amounts withdrawn in consequence of unlimited liability.

"The principal recommendation of the Bill I take to be the additional stability it will give to the Presidency Town firms. But some minor advantages connected with it may be mentioned. One of these relates to all European adventure in India. The notorious difficulty of such undertakings is the difficulty of agency. It is said that plenty of energetic men come out, but I am told that they do not make good servants. Ample wages and large stipends are not enough, the stimulus of ownership and direct interest is wanted. If, then, such a person were turned into a master, through this Bill, if he became, to use the French phrase, the *gérant* of a commanditarian partnership, it is possible that his relation to his employers would be more satisfactory, and at all events his motives to good faith and exertion would be greatly increased. There is also a distinct advantage in legalizing a second form of limited liability. It may have been observed that the real secret of the enormous expansion of limited undertakings in England is that they have attracted the savings of the non-commercial and professional classes. Every lawyer and every man of business knows that those classes were formerly tied down to Government securities and land. But now the capital they save is largely embarked on limited liability, and is thus reproductively employed. There is, however, this moral drawback on the change, that investors can only now procure a security which is of a marketable value, and which fluctuates within much wider limits than consols or Government paper. It may therefore be that some persons are tempted to engage in speculation who would not otherwise have indulged in it, and who are not well fitted for it. I myself do not believe that any state of the law produced, or that any change in the law will change the spirit of speculation which lately prevailed in this country, and particularly on the other side of it. But I do think that, to some limited extent, it was stimulated and aggravated by the fact that no Native who invested on limited liability out of his hoard, nor servant of Government out of his savings, could obtain any securities which had not a highly speculative value. It is therefore some recommendation of this Bill that interests created under it will not generally be saleable. Even supposing that the alienation of such an interest should become abstractedly legal in India, the contract will in fact stipulate that it shall not be sold without the consent of the firm to which the advance is made; and thus the Bill may perhaps redress the balance between two forms of limited liability, which appears to me to have inclined too much in one direction."

The Motion was put and agreed to.

Rural Police Act Amendment Bill.

The Hon'ble Mr. Muir introduced the Bill to amend Act No. II of 1865 (to provide for the maintenance of the Rural Police in the territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere), and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that this Bill having been already published in the Gazette under the 19th of the Rules for the Conduct of Business, rendered it unnecessary to obtain leave for its introduction.

The object of the Bill might be shortly stated as follows. Last year an Act was passed which provided a fund for the maintenance of the Rural Police in the North-Western Provinces. By its second Section, proprietors are empowered to assess and collect a sum not exceeding one rupee per annum from the occupant of every house. And by Section 6, the Revenue Authorities are authorized to assess upon the proprietor for the purposes of the Act, an amount not exceeding the aggregate of the house assessments on his estate, minus ten per cent.

It is optional with the proprietor to make this assessment or not as he chooses, just as it is optional with him to assess rent on the fields of his estate. He may neglect to make any assessment, or he may make it at an inadequate rate, or he may choose to maintain any other system of realizing Chowkeedaree dues customary in his village, with the consent of the inhabitants. But in any of these cases, it was the intention of the proposers of Act II of 1865, that the proprietor should still be liable to Government in the same sum as that

to which he would have been liable if he had made a full and adequate assessment.

The Act, however, as finally passed, provided for an assessment on the proprietor, only at the amount of house assessments actually concluded under the law; and did not provide for the case of neglect to assess or of inadequate assessment. The object of the present Bill was to supply the omission. It provided that in case a proprietor failed to make a full assessment under Act II of 1865, he might nevertheless be called upon to pay the same amount as that which he would have been rated at, if he had made a full and proper assessment under the Act.

The Bill was approved by the Government in the North-Western Provinces and the Allahabad Board of Revenue. But the Hon'ble Mr. Drummond was desirous that the power which it was contemplated to confer upon Collectors should be exercised only with the special sanction of the Government. This suggestion would be duly considered in Committee.

The Motion was put and agreed to.

PRIVATE WATER-COURSES' BILL.

The Hon'ble Mr. Muir also introduced the Bill to provide for the appropriation of land required for private water-courses from Canals, and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that this Bill also had been already published in accordance with Section 19 of the Council's Rules, and might be now at once referred under the motion to a Select Committee.

It might be necessary briefly to explain to what class of water-course the Bill applied.

From the main body of a Canal, water is taken off for irrigation by *Rajbuhas*, or subsidiary channels, which cover the country like a net-work. These form the arterial communications from which the water is taken off for the fields. This is done by a direct opening where the fields lie close to the Canal: but if the tract to be watered is not immediately adjoining the Canal, then the water is conveyed thither by minor or village water-courses which sometimes extend to a considerable distance. These water-courses may either form a part of the Canal system for distributing the water, and as such be constructed at the public expense, or they may be private or village channels. In the latter case the Canal Officer would say to the applicant for water, you may have it, but you must make your own cut to carry the water to your field. In the first case the channel is the property of Government: in the second of the party who constructs it.

Now the existing law provided only for the first class of water-courses. In the second, that is, where the land is proposed to be occupied, not at the requisition and at the expense of the Irrigation Department, but at that of the applicant for water, the present law would clearly not be applicable.

In this latter case, the question would arise whether a person claiming to construct a private channel had the right of taking it through the limits of an intervening estate, the owner of which objected. This again depended on the consideration whether the benefit to the estate of the applicant so greatly outweighed the injury to the intervening estate as to justify the intrusion. If only a few fields were to be irrigated, and the damage caused by the cut would be serious, the applicant would clearly not be justified in demanding the right of water-way. If, on the contrary, a large tract—for example, of barren land—would be rendered fruitful by the water for which a channel was sought, and the loss or inconvenience to the intervening estate were comparatively insignificant, then the applicant would have an equitable right to demand way for the water on payment of full compensation for its appropriation; and the State also, in reference to its land-revenue, might be interested in seeing the right enforced.

It was, however, important that all such proceedings should be controlled by competent authority, which would restrict the appropriation of land within the narrowest limits possible. For although the applicant might have an equitable right to water-way through his neighbour's estate, he was bound to exercise that right in such a way as would inflict the least possible injury and inconvenience.

The present Bill aimed at accomplishing this object. No appropriation of land under the circumstances contemplated would take place until an Engineer of the Irrigation Department should have declared that the water-course was necessary, and certified that the line involved no avoidable injury to other interests. When this declaration had been made, the Officers of Government might take measures for the occupation of the land, and the payment of compensation to the proprietor, in the same manner, and under the same checks precisely, as if the land had been required for a public purpose.

The Bill also authorized the Local Government, with the sanction of the Governor-General in Council, to make rules for the disposal of certain classes of claims likely to grow out of appropriations under this procedure. They were described generally in Section 7, and involved such questions as these:—the title of the original proprietor to re-enter on possession in case the channel be discontinued, which in the case of such minor cuts was a possible contingency; the liability of the land occupied for rent and Land Revenue; the mode in which the rights of temporary holders in the intervening estate should be settled; the manner in which joint rights in a channel might be adjusted, and how such rights might be acquired or extinguished. Many of these questions affecting the right of water-way were entirely new, at least in this part of the country, and the course to be pursued in respect of them must be to a great degree experimental and tentative. It would be impossible to anticipate and satisfactorily to provide in the present Bill for these contingencies. It had therefore been thought better to leave, at least for the present, the principles and rules under which they should be dealt with to be from time to time framed by the Local Government under sanction of the Supreme Government.

Since the Bill was published, Mr. Muir had received some valuable suggestions for its improvement from the Allahabad Board of Revenue, and several Collectors in the North-Western Provinces. They related chiefly to the point that the decision as to the necessity for a channel should not be left solely to the Canal Officer, but that the Revenue Authorities should also have a voice in the matter. This suggestion would be taken up in Committee. While the Revenue Authorities were of course not competent to give an opinion on any

professional question involved in the claim, they would be better able to judge on other points, such as the value of the increased productiveness expected from the new water-course, the amount of injury to intervening property, the nature of proprietary claims connected with the application, &c.

The necessity for the Bill had arisen primarily in the North-Western Provinces, and the Local Government and Sudder Board of Revenue approved the proposed measure. But it would probably be found equally applicable elsewhere, as was evident from the fact that His Honour the Lieutenant-Governor had recommended that the Bill be extended to Bengal, and be made applicable to private as well as Government Canals.

This recommendation would be considered in Committee. Mr. Muir could see no objection at present to the proposed extension.

The Motion was put and agreed to.

MADRAS IRRIGATION COMPANY'S BILL.

The Hon'ble Mr. Taylor introduced the Bill to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of irrigation, and moved that it be referred to a Select Committee, with instructions to report in three weeks. He said that this Bill, as the Council were aware, had already been published in the Gazette, together with the Statement of Objects and Reasons. He had very little to add in explanation of the scope and object of the measure.

It seemed that the inhabitants of the town of Kurnool were desirous of purchasing from the Madras Irrigation and Canal Company a supply of water for the use of the town and for municipal purposes generally; it had therefore become necessary to define, by law, the maximum rate which that Company might charge for water supplied from their works for such purposes—that was, for purposes other than irrigation.

After some discussion between the Company's representative and the Government Consulting Engineer, the Madras Government considered that the rate of one rupee per 400 cubic yards was a fair and proper charge for water supplied for general purposes, and this rate had been accepted on behalf of the Company by their Agent and Manager in this country. It was of course distinctly understood that this decision had no relation whatever to the price of water for irrigation, which was regulated by other and special considerations.

The question having been thus settled, the Madras Government directed that steps should be taken for passing an Act in the local Legislature to define and sanction the maximum rate agreed upon, namely, one rupee for 400 cubic yards; but upon the discussion which ensued on the motion for the introduction of the measure into the local Council, it appeared that the Madras Government could not deal with the matter, inasmuch as the "Act of Parliament of the Indian Legislature" contemplated in the 27th Clause of the contract made by the Secretary of State for India with the Madras Irrigation Company, must be taken to mean an Act passed by the Council of the Viceroy and Governor-General of India.

This explained why the Bill was now introduced.

The Motion was put and agreed to.

RE-MARRIAGE OF NATIVE CONVERTS' BILL.

The Hon'ble MR. Maine moved that the Committee on the Bill to legalize, under certain circumstances, the Re-marriage of Native Converts to Christianity, be re-constituted. He said that the motion was only formal. Owing to the departure of Mr. Harington and Mr. Cust, the Bill was now before a Committee much too small to examine with authority the mass of papers which were now before it, papers which he (Mr. Maine) was glad to say, were almost all strongly in favour of the measure.

The Hon'ble Colonel Durand said that he had received from the Clergy of the Diocese of Calcutta a memorial respecting the Bill, which he now asked permission to lay before the Council. They had requested that it should be laid before the Council at its first meeting, and he wished them to know that this had been done.

The Hon'ble Mr. Maine said that the regular course was to send the memorial to the Home Office, by which it would be transmitted to the Legislative Department. But of course the memorial could be immediately printed, if not printed already.

The Motion was put and agreed to.

The following Select Committees were named:—

On the Bill to amend Act No. II of 1865 (to provide for the maintenance of the Rural Police in the Territories under the government of the Lieutenant-Governor of the North-Western Provinces and elsewhere)—The Hon'ble Messrs. Maine and Taylor, the Hon'ble the Mahárájá of Vizianagram and the mover.

On the Bill to provide for the appropriation of land required for private water-courses from canals—His Honour the Lieutenant-Governor, the Hon'ble Messrs. Maine and Taylor, the Hon'ble the Mahárájá of Vizianagram and the mover.

On the Bill to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation—The Hon'ble Messrs. Maine, Muir, Cowie and the mover.

On the Bill to legalize, under certain circumstances, the Re-marriage of Native Converts to Christianity—His Excellency the President, His Honour the Lieutenant-Governor, and the Hon'ble Messrs. Taylor, Muir, Gordon and the mover.

The Council adjourned till the 8th December.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

CALCUTTA,
The 1st December 1865.

PUBLIC WORKS DEPARTMENT.

Works on the Delhi Railway.

Memorandum from LIEUT. COLONEL G. SIM, R. E., Under Secy. to Govt. of Punjab, in the P. W. Dept., Railway Branch, to Secy. to Govt. of India, P. W. Dept., dated 30th October 1865.

Consulting Engineer to Government, Punjab, No. 178 D, dated 22nd July 1865, to Acting Agent.

Acting Agent to Consulting Engineer, No. 404, dated 24th September 1865, with enclosures from the Chief Engineer and Messrs. Brassey and Co., the Contractors for Delhi Railway.

The undersigned is directed to transmit, for the information of the Supreme Government, copies of the correspondence as marginally noted, relative to the order in which the Contractors, Messrs. Brassey and Co., propose to execute the works, and their arrangements generally for conducting and carrying out their Contract.

2. Their reply explaining those arrangements, and the various periods within the limit of their Contract-time, at which they trust to complete different sections of the line sufficient for opening, if deemed necessary, will, in the opinion of the Hon'ble the Lieutenant Governor, be deemed most satisfactory by the Supreme Government, and their reply to the enquiries of the Consulting Engineer most business-like.

From LIEUT. COLONEL G. SIM, R. E., Consg. Engr. to Govt. of Punjab, Railway Dept., to Acting Agent, Delhi Railway, dated 22nd July 1865.

Copies of the Deed of Contract for the construction of the Delhi Railway having been recently received in this Department of the Punjab Government from the Home Government, I have the honour to request that you will be so good as to favour me with information on the following points:—

1st.—Whether the Contractors have had delivered to them by the Company possession of all the lands, both permanent and temporarily, that will be required for, and during the construction of, the whole line between Umritsur and Gazeeabad, as directed in Clause 6, page 3 of the Contract Deed.

2nd.—Whether, as directed in the Clause at page 13 of "Contractors to state proposed arrangements for carrying out Contract," Messrs. Brassey and Co. have as yet explained to the satisfaction of the Chief Engineer the order in which they propose to execute the works, and their general arrangements for conducting their Contract.

2. As regards the first enquiry, should any land be required by them which has not as yet been made over to the Company's Engineers by the local Civil Officers, steps shall be at once taken to expedite its transfer on your favouring me with the needful particulars regarding the same.

3. With respect to the second enquiry, it will be obvious to you, now that matters are concluded, and the works of this Contract commencing, that the Local Government are anxious to be certified as to the order in which the works of the line, wholly or in sections, are to be carried out, and also as to the sections which the Contractors will, in all probability, first endeavour to bring to completion.

From G. FINCH, ESQ., Acting Agent, Delhi Railway, to Cons. Engr. to Govt. of Punjab, Railway Dept., dated 24th September 1865.

As requested in your No. 178 D of 22nd July, Messrs. Brassey and Co. were called upon, through the Chief Engineer, to describe the arrangements by which they proposed carrying out the construction of this line.

2. I have the honour to forward you copy of their reply, as well as of the Chief Engineer's No. 142 of 19th instant.

3. The Local Government will, I trust, consider the plan of operation so fully and clearly described by Messrs. Brassey and Co. to be satisfactory.

4. I am induced, however, to remark, with reference to that portion of Messrs. Brassey, Wythes, and Henfrey's communication, in which is estimated the probable periods at which the various sections of the line will be completed, that it is not compulsory upon the Company to open any one section of the line, although such section may, in every respect, be ready for public traffic.

5. For, by para. 3 of the Contract, Messrs. Brassey and Co. are to keep the works in good and efficient working order until the whole of the works shall be certified as complete, and from the date of such certificate, the year of maintenance shall be reckoned; the opening for public traffic, before that date, of any completed section, being at the option of the Railway Company.

6. It would be premature to consider now whether any, and if so, which section of this Railway should be opened when complete; I have simply thought it necessary that the above condition of the Contract should not, on the present occasion, be lost sight of.

7. The attention of the Board will be called by the next Mail to the Chief Engineer's observation on the subject of the provision of rolling stock.

From J. HARRISON, ESQ., Chief Engr. to Acting Agent, Delhi Railway, dated 19th September 1865.

With reference to the Consulting Engineer's No. 178 D of July 22nd, received with your No. 279 of July 24th, relative to the land for the Delhi Railway and the Contractors' arrangements for carrying out the work, I have the honour to state that, although the land has not been formally made over in several places by the local authorities, no opposition has been made to the Contractors' commencing operations, the only portion of the main line, for which land-plans and schedules have yet to be submitted, is for the deviation at Phillour, and these I shortly expect to receive. Of course land for temporary purposes has yet to be taken up, and plans and schedules for the same are being submitted as the requirements are ascertained.

2. The attached copy of Messrs. Brassey, Wythes, and Henfrey's letter to me as to the proposed arrangements for carrying out the work, will, I trust, be found satisfactory.

3. Should the girders and cylinders for the Ganges Canal Bridge arrive safe, there is every prospect of the section between Ghazeeabad and Meerut being ready for traffic by the end of 1866; it therefore becomes very important that an early supply of rolling-stock be provided either by the Contractors, or the Company, as the Board of Directors may decide.

4. I recommend six locomotives and the following stock complete, or iron-work for the same being sent out viâ Calcutta:—3 first, 3 composite, 3 second, and 40 third class carriages, 6 break-vans 20 high-sided trucks, and 2 horse-box, and carriage trucks. If the Board of Directors decide on sending out the stock complete from England, great care should be taken that all timber is well seasoned; the station machinery will receive my early attention.

From Messrs. Brassey and Co., Contractors, to Chief Engr., Delhi Railway, dated 7th August 1865.

We have the honour to acknowledge the receipt of your No. 32 of the 26th ultimo, and, in compliance with your request, beg to subjoin the following statement of our proposed arrangements for carrying on our Contract for the construction of the Delhi Railway:—

1st.—We propose to proceed with the earth-work simultaneously over the whole line (with the exception of the portion between the 42nd and 63rd miles) in order to complete it, and thus render the labour of the country available for collecting and burning ballast for foundation works of large bridges, and for various minor operations connected with the other branches of the Contract; we shall not commence the earth-work on the above-named length, between the 42nd and 63rd miles, until next year, as we have ample time to execute it before the two large bridges over the Sutlej and Beas can be completed, and we are anxious to employ all the available labour of the district on the heavy embankments in the valleys of those two rivers.

2nd.—We propose to proceed as actively as possible with brick-making over the whole line, so as to be able to commence the brick-work of the bridges, culverts, and stations as soon as possible.

3rd.—We propose to commence sinking the piers of the bridges over the Beas, Sutlej, Guggur, Markunda, and Jumna Rivers, as soon as the iron curbs arrive from England, which will probably be in the month of December next. In the mean time we propose to begin sinking the small wells for the abutments immediately after the rains. We hope to receive the iron cylinders for the bridge over the Ganges Canal at 137 miles 68 chains, and shall lose no time in getting them into place.

4th.—We propose to supply ourselves with sleepers as rapidly as possible, and from the information we have obtained with regard to the sources of supply, and taking into account the quantity already provided by the Company, and those we have purchased within the last few months, we believe that we may safely rely on obtaining the necessary quantity within three years from the present date. This will leave us sufficient time for the preserving process and laying in the road.

5th.—We propose to fix the fencing so soon as the embankments are trimmed, and shall endeavour in all cases to have it complete simultaneously with the laying of the permanent way.

6th.—We propose to erect the Electric Telegraph at the same time as the fencing.

7th.—We propose to commence building the stations along the whole line so soon as the drawings have been sanctioned, and we have obtained a sufficient quantity of bricks.

8th.—The permanent-way, bridge-work, fencing, and other materials to be sent out from England for the purposes of this Contract, will be shipped to Kurrachee for the requirement of the portion of the line between Umritsur and Umballah, and to Calcutta for the remaining portion between Umballah and Ghazeeabad. We have made arrangements with a gentleman already favourably known to the Company, Mr. Coates, of Ferozepoor, for the conveyance of all the materials required for the first-named portion of the line, and have entered into an agreement with the East Indian Railway Company for the transport of the remaining portion from Calcutta to Ghazeeabad.

We are fully aware of the difficulties inherent to this portion of the Contract, and shall use every exertion to avoid delays in the progress of the works from deficient supplies of materials. By our latest advices, 1,241 tons of rails had been shipped to Kurrachee, and 5,100 tons to Calcutta, together with 150 miles of fencing, and these will be transported to where they are required on the line, with due despatch. A larger quantity of materials has been forwarded to Calcutta than to Kurrachee, with a view to enable us to complete the line from Ghazeeabad to Meerut at an early date.

9th.—With regard to the order in which various sections of the line may be completed without absolutely binding ourselves to terms of completion not required by the Contract, we think that we may safely promise that the following propositions shall be worked up to:—

A.—From Umritsur to the River Beas the permanent-way to be laid and fit for the passage of trains by December 1866.

B.—From the River Beas to Loodianah, which includes the bridges over the Rivers Beas and Sutlej, we cannot form a correct judgment of the time of completion until we commence and ascertain the rate of progress in sinking the piers. At present we cannot safely name an earlier date than January 1st, 1870, which would be five months in advance of our Contract term.

We shall, however, use every exertion to shorten this time, but the great difficulty of getting the bridge materials up from Kurrachee must not be lost sight of.

C.—From Loodianah to Umballah includes the bridge over the Guggur, and a great number of minor works which are required for the drainage of the country between the line and the hills. They are chiefly girder bridges, and the long transport from Kurrachee may possibly prove a source of delay. We calculate, however, on our finishing this section by the 1st May 1869, at which date we believe the trains might be run from Ghazeeabad to Loodianah.

D.—On the section from Umballah to Sharunpoor, which comprises the crossing of the Rivers Tangri, Markunda, and Jumna, we shall endeavour to have the line fit for traffic on the 1st May 1869.

E.—From Sharunpoor to Mozuffernuggur, including the bridge over the River Hindun, we calculate on finishing by May 1st, 1868.

F.—From Mozuffernuggur to Meerut, we propose to complete by May 1st, 1867, in time for the summer traffic to the hills.

G.—From Meerut to Ghazeeabad, we believe that we may safely promise that the line shall be ready for traffic in November 1866.

10th.—We presume that we should be carrying out the wishes of the Government and Company in pressing forward the works to completion as rapidly as possible, and we would beg respectfully to direct their attention to the necessity for coming to a speedy decision with regard to the supply of rolling-stock which, according to the Contract, may be provided by the Company or ourselves at the option of the Directors. The same necessity applies to the Station machinery, the orders for which it is desirable to place as early as possible in the hands of the manufacturers to ensure careful workmanship.

In conclusion, we beg to assure you that every effort shall be made by us to bring the works to a speedy and successful completion, but we must not be unmindful of the many causes of delay which may operate to retard us; amongst these may be mentioned the difficulties of getting materials from the manufacturers in England, the chances of loss in transport by sea and inland rivers, and above all, the accidents which may occur from unusual floods in the great rivers which we have to cross, and whose beds have to be narrowed, for the first time, to the reasonable limits of a bridge.

With the aid of a competent staff, we feel assured of being able to cope successfully with any ordinary difficulty, and trust that we may rely upon your support and assistance to enable us in any event to carry out the present programme for the completion of the line.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 50.



CALCUTTA GAZETTE OFFICE

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 16, 1865.

Home Department.

LEGISLATIVE.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th December 1865 and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 23 of 1865.

A Bill to amend the Law of Partnership in India.

Whereas it is expedient to amend the Law relating to Partnership; It is enacted as follows:— Preamble.

1. The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such. Lender not a partner by advancing money for share of profits.

Explanation.—A person who being entitled, whether as a retiring partner or otherwise, to demand and receive present payment of the value of any share or interest of or in the capital or other funds of a business shall, after the value thereof shall have been ascertained between such person and the person or persons liable to pay the same, allow the same to remain therein or to be used by such person or persons for the purposes of such business, shall be construed to make an advance of money by way of loan within the meaning of this Section.

2. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking shall, of itself, render such servant or agent responsible as a partner therein, nor give him the rights of a partner. Remuneration of agents, &c., by profits not to make them partners.

3. No person being the widow or child of the deceased partner of a trader, and receiving by way of annuity a portion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a partner of or to be subject to any liabilities incurred by such trader. Certain annuitants not to be deemed partners.

4. No person receiving by way of annuity or otherwise a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a partner of, or be subject to, the liabilities of the person carrying on such business. Receipt of profits, &c., not to make the seller a partner.

5. In the construction of this Act, the word "person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation. Interpretation of "person."

STATEMENT OF OBJECTS AND REASONS.

This Bill is, with one addition and one omission, transcribed from the English Statute 27 and 28 Vic., cap. 86, which, by simply abolishing an objectionable legal principle, known as the rule in *Waugh* v. *Carver*, is expected to produce the same effects as the French system of partnership *en commandite*.

Apart from the obvious expediency of Indian following English legislation in mercantile matters, the abolition of the rule in question is desirable for various reasons. The rule—that he who participates in the profits of a partnership shall, by operation of law, be made liable to its losses—is a mere *obiter dictum* of Chief Justice Eyre's, and is founded by him on Lord Mansfield's irrelevant decision in *Grace* v. *Smith*. In that case the share of the profits stipulated for by the lender, would have amounted to more than the legal rate of

interest, and the fiction of a constructive partnership was invented by Lord Mansfield as the only means of upholding a contract which, if regarded as one of loan, would have been void as contravening the usury laws. These laws having now been abolished, the fiction which originated in them need no longer be maintained. Next, the abolition of the rule will give additional stability to mercantile firms, by doing away with the risk which at present would be incurred by retiring partners who should leave their shares in the business, stipulating for remuneration out of the profits. Thirdly, the Bill, if it become law, will promote those beneficial arrangements between employer and employed, based on the principle of the latter being remunerated by a portion of the profits of the business. Fourthly, interests created under the proposed Act will not generally be saleable, and the non-commercial classes will therefore be able to procure investments which, though more remunerative than Government Paper or mortgages, have not the highly speculative value of shares in ordinary limited liability undertakings. Lastly, the change proposed would in one important respect bring our mercantile law into harmony with that of the Natives of India, who are well known to practise among themselves a system of commanditarian partnership.

The addition above referred to is that of an explanation to the effect that a retiring partner leaving in the business the value of his share shall be construed to make a loan within the meaning of the 1st section. The omission above referred to is that of the 5th section of the English Statute, which provides that, in case of the borrower's insolvency, the commanditarian lender shall not be entitled to prove in competition with the other creditors. This provision appears to be at variance with the spirit of the rest of the enactment; and there would, moreover, be practical difficulties in working it in the Mofussil, where no system of insolvency has yet been established.

H. S. MAINE.

The 5th December 1865.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative).

HOME DEPARTMENT.

No. 4904.

Fort William, the 9th December 1865.

NOTIFICATIONS.

Appointment.—Mr. B. Ffinch, Assistant Superintendent in the Telegraph Department, is appointed as Superintendent, with effect from the 18th of July.

No. 4914.

The Reverend Leopold Poynder, Chaplain of Ferozepore, has obtained two years' furlough to Europe, with effect from the date on which he may avail himself of the same.

No. 4974.

The following translation of a Notification of the Netherlands Government in Batavia is published for general information :—

Notice.—The Directors of the State and Crown Domains herewith notifies that, on the Pier at Muntok (Island of Banca), a white dioptric harbour light of the 6th class has been placed at a height of 9 Netherlands ells above high water mark. The light is visible from the deck of an ordinary vessel at a distance of two German geographical miles.

(Sd.) C. CARTENS.

BATAVIA,
The 6th October 1865.

No. 4988.

The 11th December 1865.

The services of the Reverend D. Fynes-Clinton, Chaplain of Seetapore, are placed at the disposal of the Government of the North-Western Provinces.

No. 4937.

The Reverend Joseph Spear, B. A., has been appointed by the Right Hon'ble the Secretary of State for India to be a Junior Chaplain on the Bengal Establishment.

The appointment will take effect from the 5th instant.

No. 4975.

The 12th December 1865.

Lukmee Chund, Tehseeldar of Chindwarra, in the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 1st Class, described in Section 22 of Act XXV of 1861, to be exercised within the limits of the Chindwarra Tehseelee.

No. 4977.

The under-mentioned gentlemen, appointed by the Secretary of State for India members of Her Majesty's Civil Service on the Bengal Establishment, reported, on the 5th instant, their arrival at the Sandheads on the 3rd idem, viz :—

Messrs. Henry St. George Tucker, Herbert Blakey Finlay, Thomas Ormerod Wilkinson, and William Thomas Martin.

No. 5010.

The 13th December 1865.

The Reverend Arthur Stone, a Junior Chaplain on the Bengal Establishment, reported his return from leave on the 5th instant, per Steam Ship "Golconda," which reached the Sandheads on the morning of the 3rd instant.

Mr. Stone's services are placed at the disposal of the Government of Bengal.

No. 5012.

Lieutenant W. Hamilton, Assistant Commissioner of the 3rd Grade, Seetapore, in Oudh, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861.

No. 5003.

The Governor General in Council is pleased to attach Messrs. G. Smeaton and H. W. Gordon, of the Civil Service, reported qualified for the public service, to the Bengal Division of the Presidency of Fort William.

No. 5007.

Messrs. G. Smeaton and H. W. Gordon, Junior Civil Servants, having obtained certificates of High Proficiency in Oordoo, have each been presented with the authorized donation of Rs. 800, and Mr. W. E. Purser, a Junior Civil Servant, has been awarded a Gold Medal of Merit for "Marked Proficiency" in the same language.

No. 5001.

The Governor General in Council is pleased to permit Mr. E. F. Lautour to resign the Civil Service from the 8th of April last.

No. 5024.

The Hon'ble Louis S. Jackson reported his return from furlough, and resumed his seat as a Puisne Judge of the High Court at Calcutta on the 5th instant.

No. 5030.

Doctor H. J. Beach, Civil Assistant Surgeon of Chanda, is permitted to resign his appointment, and his services are replaced at the disposal of the Government of Madras.

No. 5040.

The 14th December 1865.

Notification No. 4844, dated the 6th instant, is hereby cancelled, and the Reverend W. G. Cowie, Junior Chaplain, is permitted to proceed to England on medical certificate for eighteen months, with effect from the date on which he may avail himself of the same.

No. 5067.

The 15th December 1865.

Mr. Thomas Francis Harkness, appointed by the Secretary of State for India a member of Her Majesty's Civil Service on the Bengal Establishment, reported, on the 5th instant, his arrival at the Sandheads on the 2nd idem.

No. 5068.

Mr. H. T. Prinsep, Registrar of the High Court, has obtained leave of absence for two months under Section 6 of the Covenanted Absentee Rules, with effect from the date on which he may avail himself of the same.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

MILITARY.

No. 367.

Fort William, the 12th December 1865.

Captain C. H. Clay, 2nd in Command of the Deolee Irregular Force, has obtained privilege leave of absence for 60 days from the 26th ultimo.

No. 369.

Havildar Dalea, of the Erinpoora Irregular Force, is promoted to the rank of Jemadar, vice Jewah, deceased, with effect from the 24th June 1865.

GENERAL.

No. 2360.

Mr. C. D. Clifford Lloyd is appointed to be an additional Assistant Commissioner of the 3rd Grade in British Burmah, with effect from the 23rd October 1865.

No. 2362.

Privilege leave of absence from the 2nd February to the 29th April 1865 is granted to Ashfak Hossein, Extra Assistant Commissioner of Hoshungabad, in the Central Provinces, in substitution of the five months' leave on private affairs granted to him in G. O. No. 784, dated 5th April 1865.

No. 2364.

Mr. T. H. Kavanagh, V. C., Assistant Commissioner of Fyzabad, has obtained privilege leave of absence for one month, from the 15th instant, or from the date on which he may avail himself of it.

No. 2378.

The 15th December 1865.

Mr. A. Shakespear, Agent to the Governor General at Benares, resumed charge of his office from Mr. G. P. Money on the 8th instant.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

The following Notification is published in substitution of that bearing the same No. and date which appeared in the last Gazette :—

No. 3338.

Fort William, the 7th December 1865.

NOTIFICATIONS.

It is notified for general information that copies of Baptismal and Burial Certificates and copies of Marriage Certificates (other than copies furnished under Act V of 1852, or Act V of 1865, or by the Bishop's Ecclesiastical Registrar), do not come within the existing Stamp Act, even if furnished from the records of a Church built or supported by Government.

No. 3446.

The 14th December 1865.

Mr. E. F. Harrison received charge of the Office of Comptroller General of Accounts from Mr. R. P. Harrison on the afternoon of the 8th instant.

No. 3524.

The 15th December 1865.

Read Extract, Military Department, No. 844, dated 20th November 1865, forwarding for consideration a letter, with enclosures, from the Controller General of Military Expenditure, regarding a claim to passage money from Kurrachee to Bombay, preferred by Captain F. T. Ross, of the Staff Corps, a Deputy Collector in Scinde.

RESOLUTION.—The Governor General in Council is pleased to lay down the following rule in regard to the provision of free passage for Public Officers in the Civil Department.

All Officers in Civil employ, whether Civil or Military, Covenanted or Uncovenanted, will be allowed a free passage when proceeding on duty by sea, on the conditions on which they would draw travelling allowance if proceeding on duty by land. Military Officers in Civil employ will, in addition, be allowed a free passage when proceeding from port to port in India on medical certificate.

The cost of the free passage, both for cabin and table accommodation, will be borne by Government, except that Officers whose salaries exceed Rs. 600 a month, must suffer a deduction of Rs. 8 per diem (i. e., the full rate of table money on Government sea-going vessels), and those on Rs. 600 or less of 4 per diem on account of their table for the number of days occupied in their passage on a Government vessel or a private vessel.

ORDER.—Ordered, that the foregoing Resolution be published in the *Gazette of India*, and that copies of it be forwarded to the Military Department, with the original enclosures of the Extract from that Department above referred to, and to the

Accountants General Bengal, Madras, Bombay, N. W. Provinces, Punjab, and British Burmah.

Deputy Accountants General, Central Provinces and Hyderabad.

Auditor and Accountant, Mysore.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 9th December 1865.

No. 1142 *of* 1865.—With reference to the G. G. Orders noted in the margin, it is hereby notified, under the authority of the Right Hon'ble the Secretary of State for India, that the rules laid down for the grant of furlough to Europe to European Non-Commissioned Officers of Her Majesty's Indian Army, who may be fit for duty with Invalids or time-expired men on the passage home, are equally applicable to deserving men of that class who may not be declared fit for such duty, but who may be otherwise eligible for the indulgence, and the state of whose health absolutely requires a change of climate.

No. 1636, dated 19th December 1859.
No. 540, dated 22nd May 1860.

The 12th December 1865.

No. 1143 *of* 1865.—The services of Lieutenant F. H. Alexander, of the late 43rd Native Infantry, Officiating 1st Doing-duty Officer, 22nd (Punjab) Regiment Native Infantry, are placed at the disposal of the Government of the Punjab.

No. 1144 *of* 1865.—The under-mentioned Officer was permitted to proceed to Europe on furlough on private affairs :—

Captain Robert Cadell, of the Bengal Staff Corps, District Superintendent of Police, Futtehghur.	For 6 months, from the 5th May 1865, the date of his departure on the Steam Ship "Erymanthe."

No. 1145 *of* 1865.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Major General T. F. Flemyng, Bengal Infantry.	4th Dec. 1865.
Major H. L. Pester, late 63rd Native Infantry, 2nd in Command and Wing Officer, 9th Native Infantry.	
Captain (Brevet Major) J. B. Thelwall, C. B., Staff Corps, Commandant, 21st (Punjab) Regiment Native Infantry.	
Captain (Brevet Major) C. Need, late 6th European Regiment.	
Lieutenant F. D. Harington, late 12th Native Infantry, Assistant Commissioner, Sealkote.	
Lieutenant G. W. Holdsworth, late 3rd European Regiment.	
Lieutenant T. H. T. Drake, General List, Infantry.	
Surgeon G. Barnard, Medical Department.	
Assistant Surgeon J. J. McDermott, M. D., Medical Department.	
Captain A. Shepherd, late 6th European Light Cavalry.	

No. 1146 *of* 1865.—Surgeon George Barnard, of the Medical Department, is allowed an extension of leave from the 10th November to the 4th December 1865, the date on which he reported his return to Bengal from sick leave to Europe.

No. 1147 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

2nd Captain Edward Wood Humphry, of the Royal Engineers.	For 20 months, under the old Regulations.

No. 1148 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Assistant Surgeon George Nicholas Cheke, of the Medical Department, Residency Surgeon at Nepaul.	For 2 years, under the new Regulations.

The 13th December 1865.

No. 1149 *of* 1865.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Captain A. Callander, of the Bengal Staff Corps, Brigade Major, Mooltan, on leave for twenty months, Government General Order No. 1027 of the 10th November 1865.	"Meinam," 4th Dec. 1865.
Captain P. Wheeler, of the late 15th Native Infantry, on leave to sea for 6 months, Government General Order No. 1121 of the 4th December 1865.	"Golden Fleece," 7th Dec. 1865.
Captain E. Hill, of the Madras Staff Corps, District Superintendent of Police, Oudh, on leave to Europe on urgent private affairs for six months, without pay, Government General Order No. 1141 of the 8th December 1865.	"Simla," 10th Dec. 1865.

No. 1150 *of* 1865.—The services of Lieutenant George Campbell Napier, of the General List, Infantry, are placed at the disposal of the Government of Bombay.

No. 1151 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
42nd Regt. (Assam) Light Infantry.	Jemadar Chamoo Goorung ...	Subadar ...	4th Aug. 1865	Ruggoonath Sing, deceased.
	Havildar Singbeer Thappa ...	Jemadar ...		Chamoo Goorung, promoted.
3rd Goorkha Regt.	Havildar Subbul Sing ...	Ditto ...	11th Oct. „	Kullian Sing, deceased.

No. 1152 *of* 1865.—His Excellency the Governor General in Council is pleased to appoint Major G. B. Malleson, of the Bengal Staff Corps, to be a member of the Commission convened under Government General Order No. 1084 of the 22nd ultimo, to consider and report upon certain points connected with the Indian Medical Service.

The 14th November 1865.

No. 1153 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Surgeon Major H. B. Buckle, C. B., Officiating Principal Medical Store-keeper to Government, is permanently appointed to that situation, vice Surgeon Major Mactier, M. D., who vacates his appointment, having exceeded the prescribed period of sick leave to Europe.

No. 1154 *of* 1865.—The services of Surgeon J. Williams, F. R. C. S., in Medical Charge of the 13th (The Shekhawattee) Regiment Native Infantry, are placed at the disposal of the Government of the Punjab.

No. 1155 *of* 1865.—Her Majesty has been pleased to appoint the under-mentioned gentleman to be an Assistant Surgeon in Her Majesty's Indian Military Forces at the Presidency of Bengal. He is accordingly admitted into the service.

MEDICAL DEPARTMENT.

	Date of arrival at Fort William.
Mr. Lionel Dixon Spencer, M. D. ...	9th Nov. 1865.

The 15th December 1865.

No. 1156 *of* 1865.—*Erratum.*—In Government General Order No. 848, dated the 8th September 1865, notifying promotions in, and admission to, the "Order of British India" of certain Native Officers, for "Subadar Major Gokul Sing, 'Bahadoor,' of the 13th (The Shekhawattee) Regiment Native Infantry," read Subadar Major Gokul Sing "Bahadoor" *of the 4th Infantry Punjab Frontier Force.* Order Books to be corrected accordingly.

No. 1157 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.

2nd Cavalry.

Ensign E. B. Bishop, of Her Majesty's 54th Foot, 2nd Doing-Duty Officer, 28th (Punjab) Regiment Native Infantry, a candidate for the Staff Corps, to be 2nd Doing-Duty Officer on probation.

No. 1158 *of* 1865.—The under-mentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Lieutenant E. T. Fortescue, of the late 34th Regiment Native Infantry.	22nd Nov. 1865.

No. 1159 *of* 1865.—The under-mentioned Soldiers of Her Majesty's service are permitted to reside and draw their pay in India as out-pensioners of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of their pensions :—

Private Thomas Henry White, of Her Majesty's 55th Foot.

Corporal John Norris, 3rd Battalion Rifle Brigade.

No. 1160 *of* 1865.—Third Class Sub-Assistant Surgeon Banymadhub Tagore, attached to the Dispensary at Pind Dadun Khan, having been pronounced qualified for advancement, is, under the rules passed by Government in the Home Department, dated 6th January 1849, promoted to the second Class, with effect from the 22nd November 1865.

No. 1161 *of* 1865.—The under-mentioned Officer of the Royal Engineers, who has been placed under orders for duty in the Bengal Presidency, reported his arrival on the date specified opposite to his name. :—

	Date of arrival at Fort William.
Lieutenant John Hill	... 10th December 1865.

No. 1162 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 329, dated the 8th November 1865, is published for general information :—

MILITARY. INDIA OFFICE;

No. 329. *London, 8th November* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,

The under-mentioned Officers have been permitted to return to their duty, viz. :—

Major J. B. Thelwall, C. B.

Captain J. Gillespie.
" R. Smith.

Lieutenant A. W. Parker.
" M. W. Gataker.
" A. Murray, viâ the Cape.
" R. J. Wimberley.
" G. R. Hennessy.

Surgeon H. A. Oldfield.

Assistant Surgeon J. J. McDermott.

2. The under-mentioned Officers have been granted extensions of leave for the periods specified, viz. :—

Colonel H. Rigby ...	6 months.	
Lieut. Col. E J. Richards ...		
Capt. W. Hichens ...		
Lieut. J. S. Robinson ...		
" J. M. Glubb ..		
" A. C. Padday ...	3	"
Surgeon Major J. Macpherson	4	"
Asst. Surg. D. B. Daly, M. D....	6	"

3. The under-mentioned Officer has been permitted to retire from the service from the date specified, viz. :—

Major F. R. Bacon, from the 26th October 1865.

I have, &c.,

(Sd.) C. WOOD.

H. W. NORMAN, *Colonel,*

Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

REVENUE—FORESTS.

No. 30 F.

Fort William, the 9th December 1865.

NOTIFICATIONS.

Mr. Henry Leeds, Officiating Conservator of Forests, British Burmah, returned from the privilege leave for three months granted him in Notification No. 22 F, dated the 16th September 1865, and resumed charge of his office on or after the 22nd November 1865. The remainder of the leave granted is hereby cancelled.

ESTABLISHMENT.

No. 436.

The 14th December 1865.

Sergeant R. Forrester, of the Sappers and Miners, is appointed to the Public Works Department as an Overseer of the 1st grade, and posted to the North-Western Provinces.

C. H. DICKENS, *Lieut. Col.,* R. A.,

Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTIFICATION.

In order to facilitate the transfer of the management of the public debt to the Bank of Bengal, which will take effect from the 2nd of January 1866, no Promissory Notes will be received at this Office, either for payment of interest or for renewal, after the 22nd December 1865.

By Order of the Government of India,

R. P. HARRISON,

Comptroller Genl. of Accounts.

FORT WILLIAM;
LOAN OFFICE,
The 14th October 1865.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office :—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Allahabad Circle Notes for Rupees		1,23,370
Lahore	" "	5,38,060

(Sd.) H. HYDE,

Head Commissioner.

9th December 1865.

Statement of Government Promissory Notes enfaced for Payment of Interest in London, showing the total amount outstanding according to the Registers received in this Office up to 7th December 1865.

	4 per cent. Transfer of 1865.	4 per cent. of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Statement dated 25th November 1865 ...	13,00,100	53,000	300	22,39,500	24,49,700	1,13,10,500	83,50,300	36,84,700	5,20,12,700	2,85,72,000	27,600	16,000	11,00,16,400
ADD—													
Amount enfaced at Madras, as per Registers received up to date	...	...	...	...	2,000	1,100	700	...	3,500	30,500	...	...	37,800
Amount enfaced at Bombay, as per ditto ...	21,600	...	...	...	...	21,800	20,500	...	...	...	...	...	63,900
Amount enfaced at Calcutta up to date	...	...	...	35,800	2,000	2,500	6,000	5,000	17,500	66,000	...	...	1,34,800
Total ...	13,21,700	53,000	300	22,75,300	24,53,700	1,13,35,900	83,77,500	36,89,700	5,20,33,700	2,86,68,500	27,600	16,000	11,02,52,900
DEDUCT—													
Amount removed from the London Books as per Registers received up to date	86,100	...	...	...	61,100	1,02,100	1,31,500	27,300	1,72,700	2,90,000	...	...	8,70,800
Total ...	12,35,600	53,000	300	22,75,300	23,92,600	1,12,33,800	82,46,000	36,62,400	5,18,61,000	2,83,78,500	27,600	16,000	10,93,82,100

FORT WILLIAM;
LOAN OFFICE,
The 12th December 1865.

E. F. HARRISON,
Officiating Comptroller General of Accounts.

NOTICE.

Notice is hereby given that Christmas day and the two following days, viz., Monday the 25th, Tuesday the 26th, and Wednesday the 27th current, will be observed as close holidays at the Bank of Bengal and General Treasury, in conformity with Government Notification No. 64 of the 16th April 1862.

By order of the Directors,

GEO. DICKSON,

Secretary and Treasurer.

BANK OF BENGAL;
CALCUTTA,
12*th December* 1865.

NOTICE.

Notice is hereby given that an application has been made to the High Court of Judicature at Fort William in Bengal in its Testamentary and Intestate Jurisdiction for Letters of Administration to all and singular the estate and effects which were of Peter Arson Duverger, deceased, late of Teenpahar, in the Province of Bengal, a member of the Firm of Messrs. Kenyon and Duverger, of the Town of Calcutta, Coolie Agents, to be granted to Charles Swinton Hogg, Esquire, Administrator General of Bengal.

REMFRY & ROGERS,

Proctors.

CALCUTTA,
13*th December* 1865.

NOTICE.

The under-mentioned Government Promissory Note, belonging to the undersigned, has been destroyed by white-ants. Application is about to be made to the Loan Office for a duplicate :—

No. 7765 of the 4 per cent. loan of 1832-33, for Sicca Rupees 400.

ANN GOMES.

CALCUTTA,
The 25th November 1865.

NOTICE.

The under-mentioned five Government Promissory Notes, belonging to the undersigned, having been more or less destroyed by white-ants, application is about to be made to the Loan Office for duplicates :—

No. 82172 of the 5 per cent. loan of 1856-57, for Co.'s Rs. 1,000.
,, 26206 of the 5 ,, ,, of ,, for ,, 600.
,, 8781 of the 5 ,, ,, of ,, for ,, 700.
,, 60810 of the 5 ,, ,, of ,, for ,, 700.
,, 983 of 1086 of the 4 per cent. loan of 1835-36, for Co.'s Rs. 500.

R. H. CUNLIFFE.

CALCUTTA,
The 25th November 1865.

FOR SALE.

A Quarter-Share in a flourishing Tea Plantation, situated in Upper Assam, comprising 8,300 acres of Forest land, and 200 acres stocked with healthy one and two year old plants. For further particulars, apply to

A. SANDERSON,
6, *Bankshall Street.*

NOTICE.

Whereas it appears to the Chief Commissioner, Oudh, that land is required to be taken up at the public expense for a public purpose, it is hereby declared that the land noted below is appropriated under Section 2 of Act VI of 1857 :—

District.	Pergunnah.	Mouzah.	Amount of land.			For what purpose required.
			Acres.	R.	P.	
Roy Bareilly.	Roy Bareilly	Kundoura ...	9	0	15	For an ordinary Encamping Ground at Hurchundpore, on road from Lucknow to Roy Bareilly.
Ditto ...	Hyderghur	Arazi Seer Sirkar ...	13	2	15	For ditto at Hyderghur, on ditto to Sultanpore.
Ditto ...	Ditto ...	Hyderghur Khas ..	12	0	10	
Ditto ...	Ditto ...	Hyderghur Nazool ...	7	0	10	
Ditto ...	Ditto ...	Alahdadpoor ..	7	1	30	From ditto at Lonee Kattra, on ditto to ditto.
Ditto ...	Ditto ...	Moobarukpoor ...	19	3	30	
Ditto ...	Buchraon ...	Neem Teekur ..	10	1	35	From ditto at Hussungunje, on ditto to Roy Bareilly.
Ditto ...	Ditto ...	Boodurpoor ...	5	0	25	

N. B.—All these encamping grounds are of the same size, but as no compensation is required for barren land, such land is not entered in the Notification.

LUCKNOW,
The 23rd November 1865.

A. M. LANG, *Captain*, R. E.,
Asst. Secy. to Chief Commr.,
D. P. W., Oudh.

LOST.

In transit between Jubbulpore and Calcutta, on the 3rd October 1865, the 1st halves of the following Government Currency Notes of Central Provinces :—

Particulars.

1	Note No.	25558	Rs. 500	Brought over,		Rs.	2,600
1	,,	25559	,, 500	1	Note No. 43213	,,	50
1	,,	25561	,, 500	1	,, 43214	,,	50
1	,,	71301	,, 100	1	,, 43215	,,	50
1	,,	71302	,, 100	1	,, 60762	,,	20
1	,,	71328	,, 100	1	,, 63521	,,	20
1	,,	71341	,, 100	1	,, 70104	,,	20
1	,,	71434	,, 100	1	,, 70105	,,	20
1	,,	78857	,, 100	1	,, 70109	,,	20
1	,,	78858	,, 100	1	,, 74012	,,	20
1	,,	78859	,, 100	1	,, 74013	,,	20
1	,,	95205	,, 100	1	,, 45147	,,	10
1	,,	30580	,, 50	1	,, 45998	,,	10
1	,,	30845	,, 50	1	,, 46610	,,	10
1	,,	31101	,, 50	1	,, 49939	,,	10
1	,,	31662	,, 50	1	,, 60101	,,	01
	Carried over,		2,600		Total,		2,940

The Public as well as the Treasury Officers are warned against cashing any of the above Notes.

BUNSEELOLL ABEER CHUND,
Rae Bahadoor.

KAMPTEE,
2nd December 1865.

LOST

On the 5th December 1865, the following Government Currency Notes :—

No. $\frac{A}{30}$ 24841, for Rs. 100.

No. $\frac{A}{30}$ 30837-88632-99978, each 50 Rupees.

CALCUTTA,
15th Dec. 1865.

ROMA NAUTH BOSE,
At Messrs. Walton & Co.

LOST.

The undersigned hereby notifies for general information that a Government Promissory Note No. 40718 of 4 per cent. Loan of 1854-55, dated 30th June 1854, standing in her name, for Rs. 15,000, was, on the night of the 10th instant, lost on the road to Pooducottah, near Nellore, in the Madras Presidency. The community in general are hereby prohibited from receiving the same. An application for the issue of duplicate has been made to the proper Authorities.

अंबूबाई
AMBOOBOYEE.

TRICHINOPOLY,
21st January 1865.

LOST OR STOLEN.

Currency Note No. 33201, of the Calcutta Circle, for Rs. (1,000) one thousand, between Allahabad and Cawnpore. Application for payment has been made to the Commissioner, Paper Currency, Calcutta.

ENAYUT RUSSOOL,
Talookdar, Rudowlee, Oudh.

چودري عنايت رسول تعلقه دار پرگنه ردولي

ZILLAH DURRIABAD,
OUDH ;
The 21st November 1865.

STOLEN OR LOST.

A Government Promissory Note, No. 43042 of 1854-55, of 4 per cent. loan (on Cawnpore Treasury), for Rs. 2,000, payment of which has been stopped, as also a few testimonials, all in a box, from Dâk Garry from Lucknow *en route* to Cawnpore, near Bunthara, on the 17th October 1865. Any person giving such information as will lead to the recovery of the Note will be handsomely rewarded by

JOYNARAIN, the youngest brother
of Moonshee Ram Narain,
Old Genl. Gunj, Cawnpore.

MOONSHEE RAM NARAIN'S HOUSE,
OLD GENL. GUNJ, CAWNPORE,
The 23rd November 1865.

WANTED.

A 2nd Clerk for the Gya Collectorate, on a salary of Rs. 60 per mensem. He must be acquainted with English and Oordoo, and be able to translate.

Applications to be addressed, post paid, accompanied by testimonials.

H. KEAN,
In charge.

GYA COLLECTORATE,
The 21st November 1865.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Applications, with copies of testimonials as to character and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

FOR SALE.

Price Five Rupees per Volume.

A COLLECTION of TREATIES, ENGAGEMENTS, and SUNNUDS, relating to India and neighbouring countries, compiled by C. U. Aitchison, B. C. S., Under Secretary to the Government of India in the Foreign Department.

VOLUME I.—Containing the Treaties, &c., relating to Bengal, Burmah, and the Eastern Archipelago. Super royal, 8vo. pp. 372, with three Maps.

VOLUME II.—Containing the Treaties, &c., relating to the North-Western Provinces, Oudh, Nepal, the Punjab, and the States on the Punjab Frontier. Super royal, 8vo. pp. 456, with two Maps.

VOLUME III.—Containing the Treaties, &c., relating to the Peishwa, Nagpoor, and Bundlecund. Super royal, 8vo. pp. 588.

VOLUME IV.—Containing Treaties, &c., relating to the States in Rajpootana, Central India, and Malwa.

VOLUME V.—Containing Treaties, &c., relating to Hyderabad, Mysore and Coorg, the Madras Presidency, and Ceylon.

VOLUME VI.—Containing Treaties, &c., relating to the States within the Bombay Presidency.

Apply to

O. T. CUTTER,
Military Orphan Press.

The Sarawuk, Jaenee, Hindustan Banking and Trading Company, "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, No. 186, OLD CHINA BAZAR.

DIRECTORS:

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.

LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.

LALLAH BARROOMULL, of Saharunpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hyderabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demnad, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At	3 months' notice,	3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver, and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the under-mentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XIV, corrected in the Office of the Adjutant General up to the 15th of October, is now ready. Price five Rupees *in advance*, and eight annas extra if sent by post. Apply to

CALCUTTA, 6, *Bankshall Street.* } O. T. CUTTER, *Publisher.*

Just published—Price Five Rupees.

VOLUME II.

OF

SELECTIONS

FROM

CALCUTTA GAZETTES

OF THE

Years 1789 to 1797.

SHOWING THE POLITICAL AND SOCIAL CONDITION OF THE ENGLISH IN INDIA

SEVENTY YEARS AGO.

BY

W. S. SETON-KARR, C. S.,

Judge of the High Court of Judicature and President of the Record Commission.

Copies of Volume I. are still available, Price Rs. 3. Apply to O. T. Cutter, Military Orphan Press.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 35.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, DECEMBER 16, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.

The Council met at Government House on Friday, the 8th December 1865.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble J. N. Bullen.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahâdur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

INDIAN COMPANIES' BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill for the incorporation, regulation, and winding-up of Trading Companies and other Associations, said, the Bill was intended to render to Joint Stock Companies trading in India the same service which had been afforded to English Joint Stock Companies by the Companies' Act, 1862. The English Statute was a comprehensive Code of all the law applicable to Joint Stock Companies, and was intended to give full information to the members of such Companies as to their rights and liabilities at all stages of their existence. A similar advantage had never been conferred on the Indian Joint Stock Companies, for the law relating to them was still contained in two separate Acts, and many of the rules applicable to them in India had never been reduced to writing at all. The present Bill followed the English Statute, but had been carefully adapted to Indian law and procedure, and the comparatively few decisions of the English Courts which had been given on doubtful points had been embodied in the draft. While it had not been Mr. Maine's intention to alter the law, the very fact of bringing it up to the point of English legislation implied some changes, which he would proceed to state.

One effect of the Bill would be to legalize a new form of Joint Stock Company limited, or rather a modification of an old form. The ordinary Joint Stock Company limited was described in the 8th Section as a Company limited by shares. It was a Company formed on the principle of limiting the liability of the members to the amount unpaid on their shares. But another form of Company was described in Section 9, and this was called a Company limited by guarantee. It was formed on the principle of having the liability of its members limited to such amount as the members respectively undertook to contribute to the assets of the Company in the event of the same being wound up. The subscribers to such a Company, in the event of insolvency, would not only be liable for the amount unpaid on their shares, but also for what they had undertaken to contribute beyond; and this additional contribution might vary from a small excess above whatever was unpaid on the shares to some thing resembling unlimited liability. Such Companies as the last had not been, he believed, very largely formed in England; probably because the field which they would naturally occupy was filled by Associations which had obtained charters or been incorporated under special Acts of Parliament. Charters, however, were not easily

obtainable in India, and the Indian Legislature granted special limitations of liability very sparingly. It would not therefore be matter of surprise if Companies limited by guarantee became not uncommon in this country.

Another effect of the Bill would be to enable Insurance Companies to be formed on the principle of limited liability. The first steps towards legalizing limited liability had been timidly taken in England. At first Banking Companies and Insurance Companies were exempted from the operation of the law, but the exceptions were successively swept away; only one step had been followed in India, and it was still impossible to form in this country an Insurance Company on the limited liability principle. But the present Bill provided that any seven persons combining for a lawful purpose might form a Company with the liability limited or unlimited. In favour of this provision he could only repeat the arguments he had urged in the Spring. First, he thought that when an experiment had been tried in the more active and numerous commercial society of England, it might fairly be tried in the commercial society of this country, provided that no arguments could be adduced against it, which might not have been urged in England and had not prevailed. If there were arguments bearing on the question, derived from the special circumstances and condition of India, matters were altered. But it appeared to him that all the special Indian reasons made in favour of the Bill. The English Insurance Companies would not take Native lives, because their tables did not enable them to calculate the risk, and they could not obtain the data for the amendment of their tables owing to the secrecy of Native family life. Native capitalists were, however, willing to take upon themselves the risk, alleging that there were sources of information open to them which were not open to Europeans. But these capitalists had the greatest dislike and distrust of unlimited liability, and would only form Insurance Companies if their liability were limited. How anxious they were for the removal of the remaining exception to the principle of limited liability might be inferred from the fact that the short Bill of last year was founded on a strong recommendation from Native capitalists; that they protested strongly when it was postponed on account of press of business; and that they had now advertised an Insurance Company to be formed as soon as the present Bill should pass. Mr. Maine's last reason, which he thought conclusive, for removing the exception as to Insurance Companies, was that the limited liability of such Companies existed already in this country, but not in the most satisfactory form. There was nothing to prevent English limited Insurance Companies from establishing branches in this country. Several of such branches had been established; and without intending any disparagement of them, Mr. Maine thought the security afforded by a Company with London Directors and a London registration, inferior, so far as India was concerned, to that given by a Company whose Articles of Association might be inspected at the Office of the Registrar in Calcutta.

MR. MAINE then concluded by observing that Sections 70 to 97 provided a procedure to be followed when Companies submitted their differences to arbitration. The Code of Civil Procedure had also provisions by which procedure before arbitrators was regulated. He might therefore have introduced the necessary provisions by reference to that Code, which was intended not only to guide the Courts, but to prevent the inconvenience of creating a separate procedure every time a right was created. But in the present case he had determined to retain these Sections, which were taken from the Railway Companies' Arbitration Act, because the present Bill was intended to inform Indian Companies fully as to their legal position, and it might be inconvenient to refer them to a separate enactment; for while he might be sure that this Bill, if it became law, would be in the Office of every Company, he could not be equally sure that the Code of Civil Procedure would be found there. Further, these Sections were intended to be applied by the Companies without going to law. Now the Code of Civil Procedure had the peculiarity of assuming that all proceedings were contentious—that is, that a suit had been instituted—and therefore it would have been necessary to direct the Companies to conduct the arbitration as if there had been a suit, and as if the Court had made an order of reference. But such hypothetical and conditional references were extremely embarrassing to laymen, and therefore he had preferred to retain the Sections.

This Bill and the Partnership Law Amendment Bill, leave to introduce which had been given last week, would be referred to the Chamber of Commerce and to other Associations interested in commercial law.

The Motion was put and agreed to.

POST OFFICE BILL.

The Hon'ble MR. GREY introduced the Bill for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office, and moved that it be referred to a Select Committee with instructions to report in six weeks. He said that the Bill had been published for some weeks, and in now introducing it, it seemed unnecessary that he should occupy the time of the Council by going over all the amendments of the existing law, which the Bill as drawn contained.

He proposed to confine himself at present to some points which were of considerable interest—and more or less of general interest to the community. The points he referred to were, it was true, for the most part points which, both under the existing law and under the Bill, it was competent to the Executive Government to deal with; but as the publication of the Bill had led to certain representations being made to Government on some of those points, it seemed appropriate to notice them at the present time; and, indeed, should the requests preferred be eventually complied with, it would on every account be proper and convenient that they should be specifically provided for in the new law.

He would first turn to Section 5 of the Bill, which prescribed the rates of letter-postage. In the Bill as drawn, the only alteration proposed in these rates was the scale by which increasing postage was charged on letters above two tolahs in weight. It was proposed to make the rate of increase one anna for every half tolah or fraction of a half tolah, instead of two annas for every tolah or fraction of a tolah. That was following the principle which had of late years been recognized in England—not entirely indeed, because to

do so would involve an increase by *half annas* for every *quarter* tolah. This, however, would be very inconvenient, and hardly less so to the public than to the Post Office. The Trades' Association had suggested, in a memorial submitted to Government, that a further modification of existing rates should be allowed, the unit of weight being raised from a quarter tolah to half a tolah—the unit of charge still remaining half an anna—and an additional half anna being charged for every additional half tolah. The Trades' Association submitted in support of this proposal—

"That the limit of weight now in operation, and proposed to be continued, is a source of great practical inconvenience to the commercial public, inasmuch as it necessitates the use of a paper of the most flimsy texture, so much so as to endanger the preservation of letters that have to endure the contingencies common to the transit of them in this country; the only alternative now open being the payment of a higher rate of postage, which is felt to be oppressive."

"At the time the Postage Act of 1854 was framed, there were doubtless many good grounds for the adoption of a low limit of weight, as the state of the internal communications of the country, and the system then in use for forwarding the mails, would not admit of a heavy weight being carried; but the changes of the last few years, the opening out of main lines of Railway communication throughout the country, the construction of good roads through every important district, have led to an entire change in the system of transmitting the mails, so that the low limit of weight in letters has, so far, ceased to be of any practical importance."

There was no doubt some truth in these remarks, but there were other considerations to which the Association had not adverted that required to be regarded before the conclusion could be come to that it was desirable to adopt the proposed modification. In the first place he thought it could not be questioned that it would entail some direct sacrifice of revenue. The Association indeed expressed a belief "that an increased allowance in the weight would result in a great increase of correspondence." He (Mr. Grey) could not, however, persuade himself that this was a well-founded expectation, believing as he did that the amount of private correspondence was influenced far more by the mininum rate of charge than by the minimum rate of weight. Then there might also be some danger to the revenue from the indirect operation of the measure. One of the points noticed by the Post Office Commissioners of 1853, as a common mode of evading postage, was the practice of clubbing letters. The practice prevailed at that time to an immense extent, and though doubtless the inducements, under the old rates of postage, were very much greater than they would be under the proposed modification, still the contingency was not one to be wholly disregarded now. There was perhaps no point which the Post Office Commissioners more fully considered than this point of the minimum charge. They discussed whether it should be one anna, or half an anna, and they concluded, wisely he (Mr. Grey) ventured to think, on recommending the lower rate. But it was not certain that they would have done this had they not at the same time decided to recommend the quarter tolah as the unit of weight. The two things in fact supported one another. The very low charge of half an anna (three farthings) justified—even though the distances over which letters would be carried were so much greater than in England—the adoption of a very low unit of weight; while that again seemed to warrant the great concession of a minimum uniform rate of postage, lower by one-fourth than the minimum rate in England. It might possibly be known to some Members of the Council, that since the Act of 1854 had passed, it had more than once been proposed to abolish the present minimum weight and minimum rate of postage, and to have as the units of weight and postage one anna and half a tolah. It was last proposed, he believed, by the Finance Committee appointed in Mr. Wilson's time. The Government had never yet accepted the suggestion, and he must say that he was himself quite opposed to it. It would be, he thought, a very retrograde measure to abandon the present uniform half anna postage. He would rather indeed see the present proposal adopted, and the half anna allowed to carry half a tolah. But on the whole he was inclined to think that it would be best to leave matters as they were. There was no reason to suppose that the present system was not well suited to Native wants and habits, and it should never be forgotten that it was to Native correspondence that our system must be mainly adapted, Native letters being of course many times more numerous than English letters, and being moreover susceptible of an infinitely greater growth. The question would doubtless be fully investigated and considered by the Select Committee.

He would now turn to Section 6 of the Bill, which dealt with newspaper postage. There was a very material alteration in the Bill as compared with the existing law, though it accorded with existing practice. The existing law made a distinction between imported papers and papers published in India. For the former, the rates of postage prescribed were, for a paper not exceeding 3½ tolahs, two annas, for a paper exceeding 3½, and not exceeding six tolahs, four annas. For the latter, the rates were, for a paper not exceeding six tolahs, two annas, for a paper exceeding six tolahs, but not exceeding twelve tolahs, four annas. But by the general authority vested in the Governor-General in Council by the Act, these rates had been since materially changed. The distinction between imported papers posted in India and papers published in India had been altogether removed, and both were now carried by the post at the following rate—for every paper not exceeding six tolahs, *one anna*. Thus the postage on a paper published in India exceeding 3½ tolahs and not exceeding six tolahs had been reduced, since Act XVII of 1854 was passed, from four annas to one anna. It was now, however, urged that this did not sufficiently meet the present wants of the public. The Trades' Association remarked on the point as follows:—

"Your Memorialists would call attention to the fact that a newspaper or pamphlet printed in England, weighing four ounces or ten tolahs, is conveyed to any part of India, and from thence to any part of the country for a postage charge of 2*d*., while a publication of the same weight issued in India, would be subjected to a charge of two annas, or 3*d*., for inland postage only. To remove the disparity pointed out, which is felt to be a restriction on Indian publications, your Memorialists would respectfully ask for an extension of the allowance of weight to newspapers, pamphlets, &c., to ten tolahs for postage of one anna."

And Messrs. Townsend and Smith, the proprietors of the *Friend of India*, had also memorialized on the subject. They represented the case in this manner:

"Your Petitioners beg to represent the serious restriction placed upon all newspaper enterprise in India, as contrasted with the same in England and other parts of Her Majesty's dominions—restrictions which fall with especial

severity on them as proprietors of the largest newspaper in India—by the rates of newspaper postage.

Your Excellency in Council cannot be aware, that while for one penny at least forty-four pages of a weekly paper like the *Saturday Review* on thick paper can be sent all over the United Kingdom, and that for two pence the same paper is sent by Southampton to India, and all over India, for one anna, or three half-pence, thirty pages only of the *Friend of India* (and that on very thin paper) can be sent in India. The result is that your Petitioners have been forced to use very thin paper for their post edition, and to restrict the size of their journal most inconveniently, rather than force their subscribers to pay double postage. It is true that a paper is carried for a greater distance in India for three half pence than it can be in the United Kingdom for a penny. But, on the other hand, nearly one-half more weight is carried in England, to India and *throughout* India for two pence, although the Indian postal rates were avowedly made less than those in England ten years ago, to adapt them to the comparative circumstances of the people of India.

Your Petitioners, therefore, humbly pray that your Excellency in Council will take into consideration the propriety, the justice to your Petitioners, and the advantage to the public, of removing the existing restrictions on newspaper enterprise by allowing the same maximum weight of newspaper to be sent through the post in India for one anna or three half-pence, that is sent in the United Kingdom for one penny."

Now, whatever strength the case of the Indian newspaper might have on its own merits, he must say that in his opinion the argument which was derived from the disparity of treatment between English papers posted in England and delivered in India, and Indian papers, whether English or Native, was not one that could be fairly pressed. The disparity referred to was unavoidable both in regard to newspapers and to letters. It was brought about in this way. There was a great end to be gained, namely, the establishment of a consolidated rate of postage between England and India, which should be prepaid in either country, and which would frank a letter or paper from any part of the one country, to any part of the other country. In discussing this question, it turned out that the English Post Office would consent to no arrangement *special to India*. It insisted on the establishment of a system *uniform as regarded England* and applicable to all Her Majesty's dependencies, and hence the Government of India had only the alternative of abandoning the great advantage of a consolidated postage, or of continuing the old system of levying separate Indian postage on all letters and papers received from, or despatched to, England. The inconvenience of that system was so extreme that the Government consented to forego the just claims of the Indian revenues, and to accept a scale of consolidated postage inadequate, both as regards letters and papers, to the fair remuneration of the Indian Post Office. This was unquestionably a great boon to the British community of India, and it could not be fairly cited as a standard by which the general system of Indian postage should be judged. That system, he (Mr. Grey) maintained, must be regulated mainly with regard to the wants and the habits of the people of this country.

The rates must be taken entirely by themselves. He did not say that the request on its own merits might not reasonably be granted. Things were now greatly advanced in India. When the Post Office Commissioners wrote their report, the local newspapers were very different from what they are now. At that time only one application was made by a single newspaper proprietor, who proposed to raise the weight of his paper from $3\frac{1}{2}$ to $3\frac{3}{4}$ tolahs. The Commissioners saw no reason to support his application, and gave a table showing that the average weight of Indian newspapers was something under three tolahs. The *Englishman* was then $2\frac{3}{4}$ tolahs. No doubt the demand for Indian newspapers had extended, and their bulk also had increased, and therefore he by no means said that it might not be reasonable to increase the weight carried for one anna beyond six tolahs. But he was not sure that the point had not better be left to the Executive. For the system would apply to Native papers as well as English papers, and some preliminary enquiry might be desirable as to the probable effect of the alteration.

Section 10 related to the rates chargeable on parcels sent by inland banghy postage, and Section 15 to the ship postage on such parcels. The Director General of the Post Office, who was in favour of increasing the minimum weight of newspapers, had proposed to increase the charge on books, not by adding to the rate of charge, but by diminishing the weight carried at that rate. This seemed reasonable: for the book-postage in India was now lower than it was in England although the distances here were so much greater. Books, moreover, were now on the main lines carried by conveyances different from those employed when the present low rate was fixed. That rate was determined on mainly with reference to the fact that they would be carried by banghy. But now, on all the main lines, books were carried by the same conveyance as newspapers. It seemed but fair, therefore, that the rate charged for the former should to some extent approximate to the charge for the latter.

As to the Parcel Post, the Trades' Association had suggested that it would be a great public benefit to introduce a system for the conveyance by banghy or otherwise of small parcels not exceeding ten tolahs in weight, irrespective of contents and distance, at an uniform charge of one anna. On this important proposal he was not at present prepared to give an opinion. Many interests would be affected by its adoption, and the whole subject required careful consideration. Section 18 empowered the Government to increase the rates of book and parcel postage. The necessity of this provision as to parcels was obvious. For if the Government were to continue carriers of such matters, there were many considerations as to parcels whose contents were unknown, which rendered it desirable to leave Government unfettered in dealing with the rates of banghy charges.

The 22nd Section empowered the Governor-General in Council to declare in what cases registration should be compulsory, and to direct that a double registration fee should be levied on the delivery of any thing which ought to have been, but was not, registered at the time of posting. The expediency of this provision was obvious. It was intended for the security of the community, and also to protect the Post Office employés from undue temptation. People omitted to register sometimes from indifference, but oftener from ignorance. They were not aware of the working of the Post Office, and did not know that, in the case of a letter conspicuously containing an enclosure of value, there were to be found between the ordinary act of dropping the letter into the box and registering it, the extremes of almost certain loss and almost absolute security.

The next point to which he would refer was one which belonged to the Executive rather than the

Legislative Department. "There is one other point," say the Trades' Association, "in which your memorialists think the system of the English Post Office may be followed with great advantage to the revenue of the Indian Post Office, namely, with regard to the payment of official correspondence. If all Government Offices prepaid their postage, debiting it of course to office accounts, the bulk of the mails would doubtless be greatly reduced, and a more correct estimate of the actual cost of postal arrangements would be attained." This had been a vexed question for many years. He was afraid that the Association were too sanguine in their expectation that the bulk of the mails would be diminished if this last suggestion were adopted. He might mention, however, that recently the Government had agreed to adopt, at the recommendation of the Director General, a system almost identical with that in use in England. According to this a certain number of the principal Offices would keep accounts with the Post Office, and minor Offices would be required to use service stamps.

The Hon'ble MR. BULLEN said that this Bill had been also under the consideration of the Committee of the Chamber of Commerce, and though no representation had come up to the Council from that body, he might say that they held the same view regarding the increase of the unit of weight of letter-postage from quarter to half tolah which had been expressed in the petition of the Trades' Association, and on very similar grounds. When the existing uniform rates first came into operation in 1854, no portion of that long unbroken line of Railway communication, which now extended from Calcutta to Delhi, and which in a comparatively short time would unite Calcutta with the Capital of Western India, and the two with our far-off frontier in the extreme North-West, then existed for postal purposes. The mails were consequently conveyed, entirely, by cart or by runners, and it was a perfectly intelligible policy to encourage the use of the thinnest paper for correspondence, so that the carts or runners should not be overweighted and the delivery of the mails retarded. But now that the mails were conveyed such long distances by Railway, weight was of far less importance, and would become less important week by week as further sections of Railway were opened for traffic. It must also be considered that, even if the unit of weight should be raised to half a tolah, the Indian charge for postage would still be double the English charge. At present the Indian rates were four times greater than the English rates. For instance, in England a letter not exceeding half ounce in weight was carried for 1*d.* The equivalent weight of 1¼ tolah was charged in India 3 annas, or 4½*d.* Again, a letter not exceeding one ounce was charged in England 2*d.* In India the equivalent weight, 2½ tolahs, was charged 6 annas or 9*d.* Supposing the unit to be increased to half a tolah, and half an anna to be charged for each further half tolah or fraction thereof, then the Indian letter of 1¼ tolah or half an ounce, which in England would be charged 1*d.*, would be charged 1½ anna or 2¼*d*, and the letter of 2½ tolahs, or one ounce, which in England would be charged 2*d.*, would be charged 2½ annas or 3¾*d.*

He did not suppose that this change could be carried out without some sacrifice of revenue, but he did not believe it would be an important one. The letters formerly charged half an anna would continue to be charged half an anna. No doubt the weight of the mails would be increased by the use of thicker paper for correspondence, but this was now of little importance, and it would be found that, as the charge for conveying letters was reduced, the number would be increased. But the strongest argument in his opinion for increasing the weight which might be carried for single postage, was the fact that the Government at present derived an enormous profit out of the Post Office revenue. He had before him a copy of an Appendix to the last Report of the Director General of Post Offices, showing that the surplus revenue of the Post Office, supposing official letters to be charged with postage like ordinary correspondence, as he (Mr. Bullen) contended that it should be, was, for the year 1863-64, nearly 29 lakhs of Rupees. He (Mr. Bullen) maintained that the correspondence of individuals should not be taxed to cover the cost of conveying and delivering the letters of the various Government Departments; and if each bore only the share of the general expenditure of the Post Office which equitably belonged to it, the unit of weight might be raised to half a tolah and a surplus revenue still remain. With regard to newspapers, he was disposed to support the petition which had been referred to. The *Times* newspaper, weighing with its first sheet of advertisements four ounces, or ten tolahs, was conveyed between any two points in Great Britain for 1*d.*, and he would allow newspapers of the same weight to be conveyed to any part of India for an uniform rate of one anna, or 1½*d.*

He would not follow the Hon'ble Member in his remarks respecting Book post and Banghy dâk rates. They could be more conveniently considered in Committee. He was glad, however, to infer from what had fallen from the Honorable mover, that, on the question of an increased unit of weight for both letters and newspapers, the Government would concede what had been asked, should a majority of the Committee be in favour of it.

The Hon'ble MR. GREY remarked that he had not intended to imply this.

His Excellency the COMMANDER-IN-CHIEF enquired of the Hon'ble Mr. Grey if an estimate had been framed of the probable result to the revenue of the proposed changes, and further if an estimate could be afforded of what the reduction would probably be, if the reforms suggested by the Hon'ble gentleman opposite (Mr. Bullen), were effected with regard to the proposed measure.

The Hon'ble MR. GREY said that the reduction as caused by the Bill would be trifling, and that no estimate had been framed of the possible loss of revenue that would follow on the adoption of Mr. Bullen's suggestion.

His Excellency the COMMANDER-IN-CHIEF then said that he must take exception to some of the reasoning of the Hon'ble Member opposite.

Thus, it had been said that postage in India was a great deal dearer than postage in England, because the penny in England covered a much heavier weight than the half anna in India. A fallacy was to be discovered in such an argument. The Hon'ble gentleman had omitted to take into his calculation the fact that distances in India were four and five times greater than in England. Thus, a letter in England could hardly travel more

than four hundred miles, whereas in India distances of fifteen hundred or even two thousand had to be encountered. It was evident, therefore, that when the comparative rates of postage were estimated for testing the dearness of postage, the element of distance must be considered in the calculation to the full as much as the element of weight.

There was another point on which His Excellency ventured to remark on the observations of the Hon'ble gentleman opposite. It was true that we now had a system of Railways in India, which during the last ten years had grown from small beginnings, and come to perhaps two thousand five hundred miles. This system was daily being added to, and we might perhaps hope that ten years hence, we should have five thousand miles of railroad in India. Nevertheless these Railways could only apply to trunk lines. His Excellency apprehended—and he believed he would carry the Executive Government with him in his conviction—that the difficulty of the Post Office lay in the country or district posts.

It was but natural that the capitalists of a great city like Calcutta should wish the matter before the Council to be arranged in a manner which appeared most convenient to themselves. But the Council was bound to think first of it as a matter affecting the Native population at large. It was not one which could be disposed of by a restrictive Railway system, but it must depend in great measure on the means for carrying letters, as afforded by the districts lying apart from the great lines. It was quite true, as stated by the Hon'ble gentleman, that official postage bore a very large proportion to that on account of private letters. But it was probable that would be not nearly so much the case, if the Post Office were able to deal with the difficulty of the district posts with entire success. It was from such a point of view, therefore, that the matter must be looked at, viz., how best the advantages of the Post Office could be applied to the country at large, and here we must think much of that immense population which is not immediately represented in this Council.

The Hon'ble the MAHARAJA OF VIZIANAGRAM said that two points in the Bill struck him as requiring a slight alteration.

As to the first class of letters excepted from the exclusive privilege of Government, as provided for in Section 2 of the Bill, it seemed to him that it did not include *all* letters made over, in a village, in the interior, to one man who proceeded from thence to a town at some distance, and delivered them (without any hire or remuneration) to the villagers' friends or relatives residing in that town.

Should his view be correct, he would propose that the Select Committee should alter that Section, in order to include in the exception the letters to which he referred.

Secondly, from the wording of paragraph 6 of Section 6 it seemed to him that no more than the newspaper of one day would be allowed to be sent under one cover.

Should his surmise be well founded, he would move that the wording of that paragraph be so altered as to admit of any number of newspapers, weighing not more than six tolahs, being carried under one cover,—as otherwise it would, he was afraid, inflict a great hardship on many persons of limited means, who for economy's sake, instead of getting their papers every day, received them two or three times every week.

The Hon'ble MR. GREY in reply said that he had little to say in answer to the Hon'ble Mr. Bullen's observations, for the chief point which he would otherwise have urged had been well put by His Excellency the Commander-in-Chief, namely, that it was to Native correspondence we should mainly look in legislating on the subject of the Post Office. As to what Mr. Bullen had said in reference to official correspondence, if his argument were followed out to its legitimate conclusion, it seemed to him (Mr. Grey) that it would follow that, if official correspondence unhappily so increased as that the postage charged should exceed the whole cost of the Post Office establishments, that then the correspondence of the public should be carried for nothing at all. He could not see that the amount of the postage on official correspondence had any bearing at all on the question. The Indian Post Office was just as legitimately a source of revenue in India as the English Post Office was in England, and all that the Government and the public had to look to was that fair and reasonable rates were charged, and that they were adapted to the circumstances of the country.

The Hon'ble MR. COWIE added a few words, and

The Motion was put and agreed to.

REGISTRATION ACT AMENDMENT BILL.

The Hon'ble MR. GORDON, in moving for leave to introduce a Bill to amend Act No. XVI of 1864 (to provide for the Registration of Assurances), said, that the present Bill was necessitated by the difficulties which had been felt respecting some important points in the system of registration established by Act XVI of 1864. It was not clear who were the parties bound under Section 28 to present an instrument for registration, and the Act contained no provision enabling the person who had an interest in the registration to enforce its completion. The directions contained in the Act for the mechanical process of registration had also been found to be inconvenient. Doubts, too, had been raised as to the meaning of the Section providing a procedure in case of refusal by a Registrar to register an instrument of which the registration was compulsory; and various suggestions had been made, the adoption of which would render the legislation on the subject more useful and intelligible than at present.

The Act of 1864 had been already amended by Act No. IX of 1865, so that if a new Act were passed, merely amending the existing law, the rules of registration would be contained in no less than three enactments. This was obviously inexpedient, and the Bill had therefore been prepared so that, if it became law, the present Acts would be repealed and re-enacted with the necessary alterations and additions, and the whole Registration law would then be contained within the compass of a single Act.

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the

Post Office—His Honour the Lieutenant-Governor, His Excellency the Commander-in-Chief, and the Hon'ble Messrs. Maine, Bullen, Cowie and the mover.

The Council adjourned till the 15th December.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

CALCUTTA,
The 8th December 1865.

PUBLIC WORKS DEPARTMENT.

Lighthouses on the Coast of British Burmah.

From the Right Hon'ble SIR C. WOOD, BART., G. C. B., Secretary of State for India, to the Government of India,—No. 51, dated 7th October 1865.

I have had under consideration in Council your Despatches, dated June 14th (No. 62), and July 20th and 28th (Nos. 77 and 87), 1865, transmitting Colonel Fraser's valuable Reports on the operations with respect to Lighthouses on the Coast of British Burmah for 1864-65, together with the Resolutions of your Government on the subject.

2. I concur with you in the opinion that an account of the work connected with the Alguada Reef Lighthouse, illustrated with drawings, will be very useful, and that it will be proper for the Government to undertake its publication. Colonel Fraser has accordingly been informed that I approve of his offer to prepare such a narrative.

3. It is obviously advisable that the nature of the ground on the Oyster Reef should be clearly ascertained before any work is commenced connected with a Lighthouse. Colonel Fraser has, therefore, been instructed to put himself in communication with the Director General of the Stores Department in this Office, with a view to the transmission to Akyab, by the Overland Route, of an experimental Screw-pile and a spare one with the necessary screwing apparatus. If possible, they will be despatched in time for the experiment to be tried during the next cold season. Colonel Fraser has received permission to visit the Screw-pile Lighthouses already erected in Europe, and he will, afterwards, be instructed to prepare designs for Lighthouses on the Oyster Reef and Krishna Shoal.

4. I trust that a careful survey of the mouth of the Rangoon River will be executed forthwith, in order that definite proposals for the constuction of the two Lighthouses, at the entrance of the Port of Rangoon, may be prepared.

5. With reference to your Despatch, dated July 20th (No. 77), 1865, Colonel Fraser has been directed to draw up such detailed instructions as will enable the Government of Bengal to cause surveys and experiments to be made at the mouth of the Hooghly, with a view to the substitution of Screw-pile Lighthouses for Floating Lights.

6. In conclusion, I have great pleasure in expressing my cordial concurrence in the commendation recorded by your Government of the forethought, resource, energy, and perseverence which have been displayed by Lieutenant-Colonel Fraser, and by the Officers who served under him, in the execution of the important public works connected with the Alguada Reef Lighthouse.

Best means of keeping water sweet when stored in Tanks.

Read the following papers :—

From COLONEL W. KENDALL, R. E., Acting Secy. to Govt. of Bombay, in the P. W. Dept, to Secy. to Govt. of India, P. W. Dept.,—(No. $\frac{1239 \text{ C. W.}}{2309 \text{ M.}}$, dated 26th October 1865).

I am directed by His Excellency the Governor in Council to acknowledge the receipt of your letter No. 761 C, dated 26th July 1865, calling for a report on the Vehar Lake, and on the general question whether water artificially stored can ever be so safe for drinking purposes as deep well water. In reply I beg to transmit a Report* on the subject from the Government Consulting Engineer, and also Extracts from the Proceedings of the Committee assembled to investigate the causes of the impurity in the Lake water, and to devise means for purifying the same.

* No. 79 of 1865, and accompaniments.

From CAPTAIN J. H. WHITE, R. E., for Offg. Cons. Engr. to Govt. for Bombay Water Works, to Secy. to Govt. of Bombay, in the P. W. Dept.,—No. 79 of 1865.

I have the honor to acknowledge your Memorandum No. $\frac{761}{1754}$ of 1865, dated the 8th instant, forwarding for report a letter No. 761, dated 26th July, from the Secretary to the Government of India, Public Works Department, on the subject of the Vehar water.

2. It is a fact that during last hot season the Vehar water, which does not undergo any filtering process at present, was more or less in an impure state. The cause of the impurity is explained in the Proceedings of the Committee assembled by order of Government on the 9th June last, and the remedies recommended by the Committee are described. As Dr. Leith, the President of the Committee, has kindly furnished me with a copy of the Report, I append an Extract paras. 1 to 6, to which it is needless for me to add any remarks.

3. The complete Proceedings were submitted to Government by Dr. Leith, through the Secretary to Government, General Department.

Extract from Proceedings of the Committee appointed by Government letter No. 678 *of* 1865, *in the General Department, and assembled at the Town Hall, Bombay, 9th June* 1865.

PRESENT :

A. H. Leith Esq., M.D.,	A. J. Crawford, Esq.,
Lieut. Col. A. DeLisle,	Capt. H. F. Hancock,
Surg. R. Haines, M.D.,	J. Ormiston, Esq.,

One Member, Bhow Dajee, Esq., absent.

It is ascertained from evidence before the Committee, and from the personal observations of most of its members, that the Vehar water was in a more or less impure state during a great part of the last hot season, and that animalcules and particles of aquatic plants were present

in the water drawn from the distribution pipes; it is ascertained also from reports received that at the same time, aquatic vegetation was so abundant in the neighbourhood of the inlet tower as to choke its strainers, and that there was a layer of foul mud several inches thick in the lower part of the bed of the reservoir.

2. It has been reported also to the Committee that the water drawn from near the bottom of the reservoir, through the lowest valve of the inlet tower, had an offensive odour, while what was taken from the surface was nearly free from it, and that a sample of the water which was drawn from below for examination had lost its offensive smell when it arrived at Bombay.

3. The Committee is of opinion that the general offensive condition of the water was caused by the decomposition of both the vegetable and the animal matter it contained, and the greater intensity of the foul odour at the greater depth was owing to the water which was in contact with the mud at the bottom, being more fully impregnated with the gas evolved during the putrefaction of organic matter, while this gas became dissipated or destroyed by oxidation when the water came into contact with the atmosphere.

4. The water, although it was temporarily deteriorated, appears from recorded recent chemical analysis, after being freed from suspended impurities, to hold dissolved in each gallon only six-tenths of a grain of organic matter, which is not more than exists in the purest waters supplied to towns in Great Britain.

5. To maintain the purity of the water, it is recommended by the Committee that all aquatic plants be most assiduously uprooted from all parts of the basin. That every year the surface layer of that part of the bed of the reservoir left bare by the reservoir of the water, and on which there is vegetation of any kind, be thoroughly scraped off, and that mud or earth thus removed be deposited in a place from which it cannot be washed back into the reservoir in the subsequent rains. Also that all trees and bushes on the level ground and gentle slopes near the water be cut down and removed. It is thought to be necessary to have the trees on the steeper slopes of the gathering ground to prevent the earth from being loosened by heavy rain, and carried into the bed of the basin, which would be likely to take place were the surface to be deprived of the protection afforded by the binding fibres of the roots of the trees. It is recommended also that in every hot season the dry grass and fallen leaves on every part of the surface of the gathering ground be carefully and thoroughly burnt, so that no perishable vegetable matter be left that can be carried into the water during the rains.

6. If it be still found that the Vehar water is subject to deterioration in quality, such as was recently experienced, or that it continues to have impurities suspended in it, it is recommended that filtration be had recourse to, without further delay. Quartz and silicious sand for the filters will have to be brought from a distant part of the Presidency, as the river gravel which is formed of the detritus of the trap-rock of the neighbouring country, and the calcareous sand of the Bombay sea-shore, are not well fitted for the purpose.

From LIEUT. COLONEL C. H. DICKENS, R. A., Secy. to Govt. of India, P. W. Dept., to Secy. to Govt. of Bombay, in the P. W. Dept.,—(No. 1154C, dated 4th December, 1865.)

I am directed to acknowledge receipt of your letter No. $\frac{1239\text{C. W.}}{2309\text{ M.}}$, dated the 26th October 1865, forwarding a Report by a Committee on the water of the Vehar Lake, in which the removal of aquatic plants from the bed, and of vegetation as far as possible from the gathering ground, as also the introduction of filtering, are recommended.

2. In reply, I am to observe that the first of these recommendations is opposed to the common opinion that the growth of certain water-weeds purifies the water. There are many tanks in India where no such precautions as are recommended by the Committee are taken, and where the water remains perfectly pure, or, at least, not offensive, all the year round.

3. His Excellency in Council desires me to draw attention to this fact, and to request that the Government of Bombay will have the subject further investigated with reference to its great importance on the general question of water-supply, not only as regards the Vehar Lake, but generally. Reports on the subject should be called for from all Public Works Officers; and any other persons who are known to take an interest in the subject should also be invited to favor Government with their views and experience. The practical point to which the enquiry should be directed is the means of keeping water sweet when stored in tanks, and especially what precautions are requisite in regard to new tanks.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, TUESDAY, DECEMBER 19, 1865.

NOTIFICATION.

His Excellency the Viceroy and Governor General will hold a Levee at Government House on Thursday, the 11th January 1866, at 9 P. M.

Their Excellencies the Viceroy and Lady Lawrence will hold a Drawing Room at the same time.

Ladies and Gentlemen purposing to attend the Drawing Room and Levee are requested to send their cards at their earliest convenience to the first Aide-de-Camp, and to bring with them two cards, having their names legibly written thereon ; one to be given up on entering Government House ; the second to the Aide-de-Camp in waiting at the time of presentation.

Those who have already sent cards for the Levee previously announced, are not required to do so on this occasion.

All Native Chiefs and Gentlemen who have been presented at the Viceroy's Levees, are invited to attend ; those purposing to do so are requested to send their cards in the manner above prescribed.

Ladies who have not already been presented at Her Majesty's Court of St. James, or at Government House, are requested to send their cards, with the name of the Lady by whom they are to be presented, to the Aide-de-Camp in waiting.

Ladies who present others should themselves attend the Drawing Room.

Ladies are requested to appear in full dress, but without trains.

The carriages of all who have the Private Entrée will enter by the South-East Gateway, and set down at the South Entrance by Government House.

All other carriages will enter by the North-East Gate-way, set down at the Grand Entrance, and pass out by the North-West Gate-way.

By Command,
SEYMOUR BLANE, *Lieut. Colonel,*
Military Secretary to the Viceroy.

MILITARY SECRETARY'S OFFICE,
GOVERNMENT HOUSE,
The 19th December 1865.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 51.



CALCUTTA PUBLIC

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 23, 1865.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd of December 1865, and is hereby promulgated for general information :—

ACT No. XXIX OF 1865.

An Act to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865.

Preamble.

Whereas it is expedient to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865 (Act No. XX of 1865); It is enacted as follows:—

Persons qualified as Pleaders or Mookhtars when Act No. XX of 1865 shall come into operation may continue to practise for six months as if that Act had not been passed.

1. Notwithstanding anything contained in the Pleaders, Mookhtars and Revenue Agents' Act, 1865, any person who at the time when such Act shall come into operation shall be duly qualified to practise as a Pleader or Mookhtar in any Court in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as a Pleader or Mookhtar, as the case may be, in such Court for the period of six calendar months from the time when the said Act, shall come into operation in that part of India, without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act had not been passed.

Fees now payable by any person in respect of his adversary's Pleader to be payable during the six months as if Act XX of 1865 had not been passed.

2. All fees which are now by law payable upon proceedings in any Court by any party in respect of the fees of his adversary's Pleader shall continue to be payable, and may be allowed during the said period of six calendar months as if the said Act had not been passed.

Persons practising as Revenue Agents when Act No. XX of 1865 shall come into operation, may continue to practise for six months as if that Act had not been passed.

3. Notwithstanding anything contained in the said Act, any person who all the time when such Act shat come into operation shall practise as an Agent in any proceeding before the Board of Revenue or in any Office subordinate to such Board, in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as an Agent before such Board or in such Office, as the case may be, for the period of six calendar months from the time when the said Act shall come into operation in that part of India without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act, had not been passed.

High Court may permit person entitled, without examination, to a certificate authorizing him to practise as a Pleader in the Courts mentioned in Act No. XX of 1865, Section 10, Clause (*c*), to practise in Small Cause Courts.

4. Whenever the High Court shall cause a certificate, whether original or renewed, authorizing the holder to practise as a Pleader in the Courts mentioned in Clause (*c*) of Section 10 of the said Act, to be issued to a person entitled, under the proviso in Section 5 of the same Act, to be admitted and enrolled as a Pleader in the High Court without passing any examination, the Court may in such certificate authorize the holder to practise as a Pleader in Small Cause Courts in addition to the Courts mentioned in the said Clause (*c*), and he shall thereupon be entitled to practise as last aforesaid, subject to the conditions contained in the said Act as to the duration of and stamp on a certificate authorizing the holder to practise as a Pleader in the Courts mentioned in the said Clause (*c*).

Interpretation Clause.

5. In the construction of this Act and of the said Act No. XX of 1865, the expression 'Office subordinate to such Board' and in the construction of the latter Act, the expression 'Revenue Office,' shall be taken to apply to Collectors and Deputy Collectors trying suits under Act No. X of 1859

(to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal).

This Act to be taken as part of Act No. XX of 1865.

6. This Act shall be read with and taken as part of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd day of December 1865, and is hereby promulgated for general information:—

ACT No. XXX OF 1865.

An Act to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation.

Preamble.

Whereas, by an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State in Council of the one part, and the Madras Irrigation and Canal Company of the other part, it was amongst other things provided that the Company should be authorized and empowered to charge such rates for the supply of water generally, except the supply for the purposes of Irrigation, as should not exceed the rates which should "be defined by an Act of Parliament of the Indian Legislature," and should not in any case charge any higher rates whatsoever: And whereas it is expedient to fix the rates which the said Company may charge for the said purpose; It is enacted as follows:—

Rate which Company may charge for water supplied for purposes other than Irrigation.

1. The Madras Irrigation and Canal Company may charge for the supply of water generally, except the supply for the purposes of Irrigation, a rate not exceeding the sum of one Rupee for four hundred cubic yards of water.

Commencement of Act.

2. This Act shall come into force on the first day of January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th December 1865 and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 23 OF 1865.

A Bill to amend the Law of Partnership in India.

Preamble.

Whereas it is expedient to amend the Law relating to Partnership; It is enacted as follows:—

Lender not a partner by advancing money for share of profits.

1. The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such.

Explanation.—A person who being entitled, whether as a retiring partner or otherwise, to demand and receive present payment of the value of any share or interest of or in the capital or other funds of a business shall, after the value thereof shall have been ascertained between such person and the person or persons liable to pay the same, allow the same to remain therein or to be used by such person or persons for the purposes of such business, shall be construed to make an advance of money by way of loan within the meaning of this Section.

Remuneration of agents, &c., by profits not to make them partners.

2. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking shall, of itself, render such servant or agent responsible as a partner therein, nor give him the rights of a partner.

Certain annuitants not to be deemed partners.

3. No person being the widow or child of the deceased partner of a trader and receiving by way of annuity a portion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a partner of or to be subject to any liabilities incurred by such trader.

Receipt of profits, &c., not to make the seller a partner.

4. No person receiving by way of annuity or otherwise a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a partner of, or be subject to, the liabilities of the person carrying on such business.

Interpretation of "person."

5. In the construction of this Act, the word "person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation.

STATEMENT OF OBJECTS AND REASONS.

This Bill is, with one addition and one omission, transcribed from the English Statute 27 and 28

Vic., cap. 86, which, by simply abolishing an objectionable legal principle, known as the rule in *Waugh* v. *Carver*, is expected to produce the same effects as the French system of partnership *en commandite*.

Apart from the obvious expediency of Indian following English legislation in mercantile matters, the abolition of the rule in question is desirable for various reasons. The rule—that he who participates in the profits of a partnership shall, by operation of law, be made liable to its losses—is a mere *obiter dictum* of Chief Justice Eyre's, and is founded by him on Lord Mansfield's irrelevant decision in *Grace* v. *Smith*. In that case the share of the profits stipulated for by the lender, would have amounted to more than the legal rate of interest, and the fiction of a constructive partnership was invented by Lord Mansfield as the only means of upholding a contract which, if regarded as one of loan, would have been void as contravening the usury laws. These laws having now been abolished, the fiction which originated in them need no longer be maintained. Next, the abolition of the rule will give additional stability to mercantile firms, by doing away with the risk which at present would be incurred by retiring partners who should leave their shares in the business, stipulating for remuneration out of the profits. Thirdly, the Bill, if it become law, will promote those beneficial arrangements between employer and employed, based on the principle of the latter being remunerated by a portion of the profits of the business. Fourthly, interests created under the proposed Act will not generally be saleable, and the non-commercial classes will therefore be able to procure investments which, though more remunerative than Government Paper or mortgages, have not the highly speculative value of shares in ordinary limited liability undertakings. Lastly, the change proposed would in one important respect bring our mercantile law into harmony with that of the Natives of India, who are well known to practise among themselves a system of commanditarian partnership.

The addition above referred to is that of an explanation to the effect that a retiring partner leaving in the business the value of his share shall be construed to make a loan within the meaning of the 1st section. The omission above referred to is that of the 5th section of the English Statute, which provides that, in case of the borrower's insolvency, the commanditarian lender shall not be entitled to prove in competition with the other creditors. This provision appears to be at variance with the spirit of the rest of the enactment; and there would, moreover, be practical difficulties in working it in the Mofussil, where no system of insolvency has yet been established.

H. S. MAINE.

The 5th December 1865.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative).

HOME DEPARTMENT.

NOTIFICATION.

With reference to the Notification of the 19th instant, it is intimated that all gentlemen desirous of attending the Viceroy's Levee on the 11th proximo, who have not already been presented at Government House, are required to send their cards, with the name of the gentleman who is to present them, to the Aide-de-Camp in waiting, on or before the 6th January 1866.

It is necessary that gentlemen presenting others should themselves have been presented at a former Levee.

By Command,
SEYMOUR BLANE, *Lieut. Colonel,*
Military Secy. to the Viceroy.

MILY. SECY.'S OFFICE;
GOVT. HOUSE,
The 22nd December 1865.

No. 5101.

Fort William, the 16th December 1865.

NOTIFICATIONS.

The Right Reverend the Lord Bishop of Calcutta has granted three months' privilege leave to the Reverend W. Ayerst, Chaplain of Fyzabad.

No. 5103.

Wuzzeer Hosain, Extra Assistant Commissioner, Baraitch, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861.

No. 5105.

Mr. R. N. Shore, of the Civil Service, has reported his departure from India per Steam Ship "Simla," which vessel was left by the Pilot at sea on the 10th instant.

No. 5109.

Mr. G. Wiggins, Head Master of the Saugor School, Central Provinces, is appointed to be Inspector of the Southern Circle of Education, Central Provinces.

No. 5138.

The 18th December 1865.

Mr. A. Tween availed himself, on the 4th of June, of the leave granted to him in Notification No. 3619, dated the 21st of April, and resumed charge of his duties as Curator of the Geological Museum on the afternoon of the 4th instant.

No. 5168.

The 19th December 1865.

Mr. T. H. Cowie, Advocate General, reported his return from England, and resumed charge of his duties on the 14th instant.

No. 5169.

The Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William Mr. G. G. Morris, of the Civil Service, who returned from furlough on the 13th instant.

No. 5205.

The 20th December 1865.

Mr. C. D. Clifford Lloyd, Additional Assistant Commissioner of the 3rd Grade in British Burmah, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861.

No. 5244.

The 21st December 1865.

Appointment.—Mr. Biscoe Stainforth, Assistant Superintendent of Police, Eastern Dooars of Bootan, is appointed Assistant District Superintendent of Police in Oudh, vice Lieutenant Stainforth, deceased.

No. 5255.

The Reverend W. Simpson, Junior Chaplain on the Bengal Establishment, availed himself, on the 5th ultimo, of the furlough granted to him on the 24th of July last.

No. 5283.

The 22nd December 1865.

In Notification in the *Gazette of India*, No. 442, dated 26th July 1865, defining the revised boundary of the jurisdiction of the Recorder of Maulmain, at page 845, in line 33, for the word "Sittang" read "Salween," and in line 38, for "Kall Mopoon" read "Kaw Mopoon."

No. 5285.

The Governor General in Council, under the authority given by Section 46, Act V of 1865, is pleased to appoint the following Officers to be Ex-officio Marriage Registrars and Senior Marriage Registrars under the provisions of the Statute passed in the 14th and 15th year of the reign of Her Most Gracious Majesty Queen Victoria, entitled an Act for Marriages in India, and of Act V of 1852, passed by the Governor General of India :—

Every Deputy Commissioner and every Officiating Deputy Commissioner of a District in the Province of Oudh, to be Marriage Registrar, and Senior Marriage Registrar in districts where there are more than one Marriage Registrar.

Under the authority given by Section 19 of the above Act of Parliament, the Governor General in Council is further pleased to prescribe that the under-mentioned fees shall be taken by the Marriage Registrars.

	Rs.
For receiving each notice of marriage ...	1
For publishing each notice of marriage ...	2
For the issuing of each certificate	5
For every marriage forbidden or protest entered	10
For registering each marriage	3

No. 5272.

Appointment.—Captain P. W. Mitchison, late of the Indian Navy, is appointed to be Master Attendant at Maulmain.

No. 5317.

Mr. C. E. Chapman, of the Bengal Civil Service, has reported from Bombay his return from furlough on the 15th instant.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

MILITARY.

No. 372.

Fort William, the 19th December 1865.

The following arrangements in the Central India Horse are sanctioned by the Governor General in Council :—

Lieutenant A. Bannerman, Adjutant, 2nd Regiment, and Officiating Adjutant, 1st Regiment, is transferred to the latter Corps and confirmed in the Adjutancy.

Lieutenant C. B. Horsbrugh, Officiating 3rd Squadron Officer and Adjutant, 2nd Regiment, is confirmed in the latter appointment, vice Lieutenant Bannerman.

Lieutenant E. E. Gibson, Doing-duty Officer and Officiating 3rd Squadron Officer, is transferred to the 2nd Corps as Doing-duty Officer and Officiating 3rd Squadron Officer, vice Lieutenant Horsbrugh.

Lieutenant J. Miller, Officiating 2nd Squadron Officer, to be Doing-duty Officer and to officiate as 3rd Squadron Officer, vice Lieutenant Gibson.

Lieutenant G. Peart, 3rd Squadron Officer, to officiate as 2nd Squadron Officer during Captain Luard's employment on boundary duty, or until further orders.

POLITICAL.

No. 1085.

The 22nd December 1865.

The Viceroy and Governor General in Council, bearing in mind the loyal services on various occasions of Rajah Jye Mungul Sing Bahadoor, of Gedhore, in Zillah Monghyr, has been pleased, in acknowledgment of his many acts of public liberality, to confer on him, as a personal distinction, the title of Maharajah.

GENERAL.

No. 2399.

The 19th December 1865.

Pundit Rai Kishen Narain, Extra Assistant Commissioner of Jubbulpore, has obtained six months' leave of absence on medical certificate in extension of that granted to him in General Order No. 1557, dated 13th December 1864.

No. 2401.

Oulad Hossain, Deputy Collector of Settlement, Dumoh, in the Central Provinces, has obtained privilege leave of absence for one month, from the date on which he may avail himself of it.

No. 2403.

Mr. W. Knighton, Assistant Commissioner of Gonda, in Oudh, is granted privilege leave of absence for one month, from the 1st proximo, or from the date on which he may avail himself of it.

No. 2417.

Mr. J. S. Campbell, Judicial Commissioner, Central Provinces, is granted privilege leave of absence for three months, from the 10th March 1866, or from the date on which he may avail himself of it.

Mr. R. E. Egerton, Commissioner of the Nagpore Division, to officiate as Judicial Commissioner, Central Provinces.

Mr. A. C. Lyall, Deputy Commissioner of Hoshungabad, to officiate as Commissioner of the Nagpore Division.

No. 2419.

The under-mentioned Officers of the British Burmah Commission have passed the examination prescribed for Junior Officers of that Commission :—

For the Higher Standard.

Lieutenant W. G. Hughes, Assistant Commissioner, 2nd Grade.

For the Lower Standard.

Captain A. R. McMahon, Officiating Deputy Commissioner, 4th Grade.

Lieutenant H. R. Spearman, Assistant Commissioner, 3rd Grade.

Mr. T. W. Hunt, Extra Assistant Commissioner, 1st Class, 1st Grade.

Mr. E. Richardson, Extra Assistant Commissioner, 1st Class, 2nd Grade.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 3588.

Fort William, the 20th December 1865.

NOTIFICATIONS.

In continuation of Notification No. 3241 A, dated the 30th ultimo, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India, at the close of the month of October last, contrasted with that of the previous years, is published for general information :—

	1863.	1864.	1865.
	Rs.	Rs.	Rs.
Govt. of India ...	3,17,24,892	1,64,05,006	2,02,54,471
Bengal	2,09,67,147	1,58,05,878	1,21,86,242
British Burmah			32,69,456
N. W. Provinces	2,26,20,664	1,45,74,415	1,47,89,933
Oudh ...			46,87,356
Punjab	89,10,073	1,14,00,281	1,07,74,621
Bombay	1,81,57,689	1,76,17,091	1,76,24,069
Central Provinces...	39,50,182	36,33,703	40,87,020
Deccan	22,67,579	16,41,541	21,30,814
Madras	2,33,96,670	1,80,31,750	1,27,74,268
Total ...	13,19,94,896	9,91,09,665	10,25,78,250

No. 3590.

Mr. E. S. Byrne to be Deputy Accountant General, Hyderabad.

No. 3622.

The 22nd December 1865.

The Governor General in Council is pleased to direct the publication in the *Gazette of India* of the following Despatch from the Right Hon'ble the Secretary of State for India :—

FINANCIAL. INDIA OFFICE ;
No. 255. *London, 8th November* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,

I have considered in Council your Financial letter dated the 12th August 1865, No. 135, forwarding a Memorial from the principal Uncovenanted Officers at Calcutta, praying for certain modifications in the rules relative to leave of absence and pensions on retirement.

2. The Memorialists submit the following specific requests :—

"I. That the rule allowing privilege leave to accumulate up to a limit of three months, be restored."

"II. That the option of the old or the new rules be allowed to those whose service reckoned from before June 1863."

"III. That service be allowed to reckon from the age of 20."

"IV. That periods of absence on sick leave be allowed to reckon towards pension, up to a limit of two years in a service of 25 years."

"V. That a graduated scale of pensions be allowed."

3. The first request, that privilege leave be allowed to accumulate to a limit of three months, is recommended by your Government, on the ground that few European Officers can get any change of climate likely to benefit them during the space of a month, and that Natives of the country, whose homes are remote from Railway communication, cannot visit their friends and return to duty within that period.

4. As you have recommended that the grant of cumulative leave should be allowed, when it can be given without inconvenience to the public service, I will not refuse to sanction that concession.

5. In requesting to be granted the option of the old or new rules, the Memorialists refer particularly to the maximum amount of pension. They state that "under the old rules, Uncovenanted Servants were permitted to retire with medical certificate on one-third pay, after 20 years' service, and on half pay after 30 years' service, and without medical certificate on half pay after 35 years' service, the pension in all these cases being calculated on the average salary received during the last five years of service. The amount of pension was not restricted in the case of individuals who entered the service prior to 19th May 1855, but as regards those who entered subsequently, the amount was limited to a maximum of £500 a year."

6. This subject was brought before me in a Memorial from certain Uncovenanted Officers at

your Presidency, forwarded with your Financial letter dated the 13th October 1863, No. 127. In transmitting that Memorial, you stated that the Uncovenanted Service could not claim any right under the rules of 1831 beyond what could be considered to arise out of "the general pledge which those rules may be taken to give, that a member of that service, when rendered incapable of further duty, shall not be discharged without some pensionary support. As regards the amount of pension to be given, the rules merely fix a limit which is not to be exceeded, and although it has, with rare exceptions, been the practice to allow the highest pension of which the rules allow, this practice connot be admitted to confer on the Uncovenanted Service any right to claim that maximum in all cases, without any regard whatever to the original design and scope of the rules."

7. The Memorial was fully considered by the Home Government, and in reply you were informed, in my Financial Despatch dated the 9th February 1864, No. 20, "that Uncovenanted Servants appointed prior to 19th May 1855, whose average salary during the last five years of their service shall have exceeded Rs. 10,000 per annum, and also those who were promoted, prior to the 6th August 1862, (the date of the letter from the Government of India relative to the limitation of pensions to Uncovenanted Servants,) to offices to which salaries exceeding Rs. 10,000 per annum are attached, shall, if their average salary during the last five years of their service exceed that amount, be allowed, 'in cases of extraordinary merit,' pensions exceeding £500 per annum, the amount of excess to be governed by the merits and services of the retiring servant, and to be limited to an amount consistent with a due regard to the public interests. In regard to Uncovenanted Servants who have rendered approved services of only an ordinary character, the pension must in no case exceed £500 per annum." What the Memorialists desire, therefore, is not only the option of the old or new rules, but the option of the old rules according to their interpretation of them. I must decline to accede to this request.

8. The third and fourth requests are, that service may be allowed to count from the age of 20, and that periods of absence on sick leave may be allowed to reckon towards pension up to a limit of two years in a service of 25 years. You recommend that the first of those requests should be acceded to, and that the second should be complied with to the extent of one year, as allowed to the Covenanted Service.

9. I must, however, observe that the Uncovenanted Rules were framed to apply equally to Europeans and Natives of India. The latter usually enter the Government employ at an earlier age than Europeans, and in order to render the rules justly applicable to both, it was considered necessary, when reducing the period of service for pension, to fix an age from which the service should be allowed to reckon.

10. The period of service qualifying for pension was accordingly reduced, as specified in the margin, the commencement of service to count from the age of 22, but all leaves of absence on medical certificate or private affairs, except privilege leave, were to be excluded.

	Old Rules.	*New Rules.*
On Medical Certificate.		
For a pension not exceeding one-third salary ...	20	15 Limited to Rs. 3,000 per annum.
One-half ...	30	25 Limited to Rs. 5,000 per annum.
Without Medical Certificate.		
One-half ...	35	30 Ditto ditto.

11. In order to provide for any case in which the effect of the new rules would render it necessary for an Officer, in order to obtain a pension, to serve for a longer period than was required by the old rules, I have already, by Financial Despatch dated the 18th January 1865, authorized the grant of a pension under the the old rules, provided that the applicant had not availed himself of the benefit of the new leave regulations, I cannot consent to any further modifications in this request, or to allow periods of absence other than those mentioned in Clause 12 of the Rules, to count for pension.

12. The proposition that a graduated scale of pensions should be allowed, is inadmissible. The principle on which a limit has been fixed is, that a pension of the full amount allowed is only to be granted as the reward of extraordinary merit. In ordinary cases such a pension within that limit is to be granted as the circumstances of each case may appear to require.

13. There is always some difficulty in acting strictly in accordance with that principle, and it would obviously be greatly increased if a graduated scale were sanctioned, as proposed by the Memorialists. I cannot therefore accede to this request.

I have, &c.,

(Signed) C. Wood.

No. 3640.

Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency.

Date of Returns.	Circles of Issue.	Notes in Circulation.	Silver Coin Reserve.	Gold Coin Reserve.	Silver Bullion Reserve.	Government Securities held in Calcutta.	Notes of other Circles.
1865.							
Dec. 2nd	Calcutta Circle ...	3,13,89,810	1,02,86,131	...	48,00,000	1,54,70,019	8,33,660
„ „	Allahabad Branch ditto ...	34,03,700	22,99,699	710	...	11,03,291	...
„ „	Lahore ditto ditto ...	45,63,350	38,63,313	...	...	7,00,037	...
„ „	Nagpore ditto ditto ...	21,14,710	15,66,829	...	...	5,47,881	...
„ „	Madras Circle ...	57,00,000	18,68,785	...	6,50,000	30,02,845	1,78,370
„ „	Calicut Branch ditto ...	4,67,880	3,67,821	...	...	1,00,059	...
„ „	Trichinopoly ditto ditto ...	4,46,930	3,46,871	...	...	1,00,059	...
„ „	Vizagapatam ditto ditto ...	3,94,160	2,94,101	...	...	1,00,059	...
„ „	Bombay Circle ...	2,98,75,000	51,51,718	6,00,000	41,70,000	1,86,78,282	12,75,000
„ „	Kurrachee Branch ditto ...	22,71,530	22,71,530	...	...	...	...
		8,06,27,070	2,83,16,798	6,00,710	96,20,000	3,98,02,532	22,87,030
	Deduct Notes of other Circles cashed at Calcutta, Madras, and Bombay.	22,87,030					
	Total ...	7,83,40,040	2,83,16,798	6,00,710	96,20,000	3,98,02,532	22,87,030

(Signed) H. HYDE,
Head Commissioner, Department of Issue of Paper Currency.

DEPARTMENT OF ISSUE OF PAPER CURRENCY,
CALCUTTA,
Dated 8th December 1865.

No. 3647.

Mr. C. E. Chapman assumed charge of the Office of Deputy Accountant General, Bombay, on the 15th instant.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 16th December 1865.

No. 1163 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Captain Joseph Reay, of the late 63rd Regiment Native Infantry. — For 3 years, under the old Regulations.

The 18th December 1865.

No. 1164 *of* 1865.—The leave of absence for fifteen days on private affairs granted to Lieutenant Colonel S. H. Becher, of the Bengal Staff Corps, employed on special duty in the Account Branch of the Military Department, in Government General Order No. 1023 of the 9th ultimo, is to be held to have had effect from the 24th November 1865, instead of from the date previously notified.

No. 1165 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Major Adrian Hugh Paterson, of the Bengal Staff Corps, Deputy Inspector General of Police, Lower Provinces. — For 20 months.

No. 1166 *of* 1865.—The under-mentioned Soldier of Her Majesty's service is permitted to reside and draw his pay in India as an out-pen-

sioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of his pension :—

Gunner James Hennessey, of C. Battery, C. Brigade, Royal Horse Artillery.

No. 1167 *of* 1865.—The under-mentioned outpensioner of the Royal Hospital at Chelsea having been permitted to reside and draw his stipend in India, payment of pension is to be made and charged accordingly :—

	Rate of pension per diem.
Trumpeter George Duckworth, late of the Horse Brigade, Royal Artillery.	6*d.* (six pence) for 6 months, from the date on which he ceases to receive Regimental pay.

The 19th December 1865.

No. 1168 *of* 1865.—The following extracts from the London Gazettes of the 20th and 24th October 1865, are published for general information :—

WAR OFFICE, *Pall Mall*, *20th October* 1865.

Lieutenant Isaac James Corcoran, Veteran Establishment, Bengal, to have the honorary rank of Captain, dated 20th October 1865.

Lieutenant William Kelly, Veteran Establishment, Bengal, to have the honorary rank of Captain, dated 20th October 1865.

Deputy Assistant Commissary J. Brown, Madras Commissariat Department, to have the honorary rank of Lieutenant, dated 20th October 1865.

Deputy Assistant Commissary Charles Hexton, Bombay, to have the honorary rank of Lieutenant, dated 20th October 1865.

INDIA OFFICE, *24th October* 1865.

Her Majesty has been pleased to approve of the following promotions, alterations of rank, and resignations, amongst the Officers of Her Majesty's Indian Military Forces, and in the Staff Corps :—

Brevet.

The under-mentioned Officer having completed five years' service as Captain and Brevet Lieutenant Colonel, and as Major and Brevet Lieutenant Colonel, to be Colonel in the Army, under operation of Clause 8 of the Royal Warrant of 31st January 1859 :—

Major and Brevet Lieutenant Colonel Henry Daly, C. B., Bombay Staff Corps, dated 19th July 1864.

Major John Augustus Wood, V. C., Bombay Staff Corps, to be Lieutenant Colonel ; Captain Thomas Sweet, Madras Infantry, to be Major, in succession to Lieutenant General H. Ross, Madras Infantry, deceased, dated 25th June 1864.

Major Octavius Hamilton, Bengal Staff Corps, to be Lieutenant Colonel ; Captain William Clarke Francis Gosling, Royal (Madras) Artillery, to be Major, in succession to Lieutenant General Dun, Madras Infantry, deceased, dated 16th August 1864.

Major Octavius Edward Rothney, Bengal Staff Corps, to be Lieutenant Colonel ; Captain Charles Douglas Waddell, Royal (Madras) Artillery, to be Major, in succession to Lieutenant General G. Sandys, Madras Cavalry, deceased, dated 21st October 1864.

Major William Joseph FitzMaurice Stafford, Bengal Staff Corps, to be Lieutenant Colonel ; Captain Alexander Stewart, Royal (Madras) Artillery, to be Major, in succession to Lieutenant General M. C. Paul, Bengal Infantry, deceased, dated 8th January 1865.

Major Charles Terrington Aitchison, Bombay Staff Corps, to be Lieutenant Colonel ; Captain Robert Caulfield, Madras Cavalry, to be Major, in succession to Lieutenant General R. Powney, Bengal Artillery, deceased, dated 24th January 1865.

BENGAL ARMY.

To be Lieutenant Colonels.

Major Evelyn Bradford, late 23rd Native Infantry, dated 11th June 1865.

Major John Nisbett, late 69th Native Infantry, dated 12th June 1865.

Major William Graydon, late 16th Native Infantry, dated 12th June 1865.

Major Edwin Thomas, late 3rd European Regiment, dated 12th June 1865.

To be Majors.

Captain John Ruggles, late 41st Native Infantry, dated 13th June 1865.

Captain Etienne St. George, late 1st European Regiment, dated 14th June 1865.

Captain William Nassau Lees, L. L. D., late 42nd Native Infantry, dated 14th June 1865.

Captain Charles Baily, late 17th Native Infantry, dated 14th June 1865.

To be Captains.

Lieutenant Spencer Grant Warde, late 11th Native Infantry, dated 12th June 1865.

Lieutenant James Stevenson, late 33rd Native Infantry, dated 18th June 1865.

BENGAL STAFF CORPS.

To be Lieutenant Colonels.

Major William Fullerton, dated 26th March 1865.

Major Charles Holroyd, dated 11th June 1865.

Major Nathaniel Robert Sneyd, dated 11th June 1865.

Major Andrew Hunter, dated 11th June 1865.

Major Richard Charles Germon, dated 12th June 1865.

Major (Brevet Lieutenant Colonel) Charles James Robarts, dated 12th June 1865.

To be Majors.

Captain (Brevet Major) Edmund Henry Cullen Wintle, dated 31st December 1864.

Captain (Brevet Major) Alfred Le Gallais, dated 3rd April 1865.

Captain Arthur Gore Priestley, dated 1st May 1865.

Captain (Brevet Major) John Guyse Sparke, dated 1st June 1865.

Captain (Brevet Major) James Thomas Norgate, dated 1st June 1865.

Captain Christopher James Godby, dated 13th June 1865.

Captain James Spence Ogilvie, dated 13th June 1865.

Captain Nicolai William Elphinstone, dated 14th June 1865.

Captain (Brevet Major) Henry Francis Maxwell Boisragon, dated 14th June 1865.

Captain James Kempt Cowper, dated 14th June 1865.

Captain James Sykes, dated 14th June 1865.

Captain William Nembhard, dated 14th June 1865.

Captain John Beresford Smyly, dated 14th June 1865.

To be Captains.

Lieutenant (Brevet Captain) George Bowen Cassan Simpson, dated 19th February 1865.

Lieutenant Richard James Walker, dated 11th June 1865.

Lieutenant Henry Lumsden Hawkins, dated 11th June 1865.

Lieutenant Philip Crampton Rynd, dated 11th June 1865.

Lieutenant Eric Stanhope Fox, dated 11th June 1865.

BENGAL ARMY.

PROMOTIONS.

Infantry.

Lieutenant Colonel (Major General) John Edmondstone Landers, to be Colonel, vice Andrée, deceased, dated 28th March 1865.

Major (Brevet Lieutenant Colonel) David Scott Dodgson, from late 30th Native Infantry, to be Lieutenant Colonel, vice Nicoll (Staff Corps) removed from List of Lieutenant Colonels, dated 12th March 1865.

Major Folliott Walker Baugh, from late 26th Native Infantry, to be Lieutenant Colonel, vice Dalton (Staff Corps), removed from List of Colonels, dated 28th March 1865.

Late 3rd European Regiment.

Captain (Brevet Major) Edwin Thomas, to be Major; Lieutenant (Brevet Captain) Samuel Dewe White, to be Captain, in succession to Andrée, deceased, dated 28th March 1865.

Late 30th Native Infantry.

Captain (Brevet Major) William Dunn Bishop, to be Major, in succession to Nicoll (Staff Corps), removed from List of Lieutenant Colonels, dated 12th March 1865.

Late 34th Native Infantry.

Captain (Brevet Lieutenant Colonel) Peter Henry Knight Dewaal, to be Major; Lieutenant (Brevet Major) Francis Henry Hanmer, to be Captain, vice Walker, deceased, dated 12th March 1865.

Late 39th Native Infantry.

Captain (Brevet Lieutenant Colonel) Charles Jackson, to be Major, vice Thomas, deceased, dated 22nd March 1865.

ALTERATIONS OF RANK.

Infantry.

Lieutenant Colonel H. R. Shelton, to take rank from 24th January 1865.

Late 47th Native Infantry.

Captain W. Gordon, to take rank from 24th January 1865.

MEDICAL OFFICERS.

PROMOTIONS.

To be Surgeons Major.

Surgeon James Pattison Walker, M. D., dated 5th April 1865.

Surgeon Richard Southby Otto Thring, M. D., dated 20th April 1865.

Surgeon John Squire, dated 30th April 1865.

To be Surgeons.

Assistant Surgeon Robert Faure Hutchinson, M. D., dated 2nd April 1865.

Assistant Surgeon John Picthall, M. D., dated 15th April 1865.

Assistant Surgeon Alfred Godley Crewe, dated 3rd June 1865.

Alterations of Rank.

The under-mentioned Officers to take rank as follows:—

Surgeon Edward Taylor, from 11th July 1864.

Surgeon Henry William Spry, from 7th August 1864.

Surgeon Alfred James Dale, from 26th September 1864.

Surgeon Arthur Young, from 4th October 1864.

Surgeon George Barnard, from 28th January 1865.

Resignation.

Lieutenant John Williams Grant, late 42nd Bengal Native Infantry.

No. 1169 *of* 1865.—Lieutenant T. H. T. Drake, of the General List, Infantry, is allowed an extension of leave from the 23rd November to the 4th December 1865, the date on which he reported his return to Bengal from sick leave to Europe.

No. 1170 *of* 1865.—Lieutenant Colonel H. Lewis, Deputy Inspector General of Ordnance, is allowed leave of absence from such date as he may be relieved from his duties to the 23rd February 1866, to visit the Presidency, preparatory to applying for leave of absence on sick certificate to Europe, under the new Regulations.

The 20th December 1865.

No. 1171 *of* 1865.—With reference to Government General Order No. 1170 of this date, the following temporary promotions are made in the Commissioned grades of the Ordnance Commissariat Department:—

Ordnance Commissariat Department.

Major W. C. Russell, 1st Class Commissary, to officiate as Deputy Inspector General of Ordnance and Magazines. Captain J. Stewart, 2nd Class Commissary, to officiate as 1st Class Commissary of Ordnance. Captain C. Hunter, 3rd Class Commissary, to officiate as 2nd Class Commissary of Ordnance.	From the date on which Lieutenant Colonel Lewis, Deputy Inspector General of Ordnance, may be relieved of his duties.

No. 1172 *of* 1865.—The services of Lieutenant J. E. Alexander, of the Royal Artillery, a candidate for the Staff Corps, are placed at the disposal of the Foreign Department.

No. 1173 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
10th Regt. Bengal Cavalry.	Jemadar Kaisur Singh ...	Ressaidar ...	22nd Oct. 1865	Mahmood Ali Shah, resigned.
43rd Regt. Assam) Native Light Infantry.	Subadar Bahadoor	Appointed Subadar Major	6th „ „	Lall Mohun, invalided.

No. 1174 *of* 1865.—Lieutenant Henry Utterton Smith, of the late 46th Regiment Native Infantry, is permitted to resign the service, with effect from the 15th October 1865, subject to Her Majesty's approval.

No. 1175 *of* 1865.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Captain R. Topham, of the Bengal Staff Corps, Commandant, 16th Bengal Cavalry, on leave for fifteen months, Government General Order No. 707 of the 19th July 1865.	"Simla," 24th July 1865.
Captain (Brevet Major) S. D. White, of the late 3rd European Regiment, on leave for eighteen months, Government General Order No. 1100 of the 27th November 1865.	"Blenheim," 12th December 1865.
Lieutenant F. Coddington, Bengal Staff Corps, Revenue Survey Department, on leave for twenty months, Government General Order No. 1122 of the 4th December 1865.	"Simla," 10th December 1865.

No. 1176 *of* 1865.—The services of Lieutenant C. A. Baylay, of the Royal Artillery, a candidate for the Staff Corps, are placed at the disposal of the Foreign Department.

The 21st December 1865.

No. 1177 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Captain (Brevet Major) Charles Andrews, of the late 72nd Regiment Native Infantry.	For 2 years, under the new Regulations.

No. 1178 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Henry George Bacher, of the late 73rd Regiment Native Infantry, Quarter Master, 11th Regiment Native Infantry.	For 15 months, under the new Regulations.

No. 1179 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments :—

Surgeon Major C. R. Francis, M. B., Officiating Examiner of Accounts connected with the Medical Department in Bengal, is permanently appointed to that situation.

Surgeon Major C. L. Cox, A. B. and F. R. C. S., to officiate as Examiner of Accounts connected with the Medical Department in Bengal, during the period Dr. Francis may officiate as Principal of the Medical Cellege, or until further orders.

The 22nd December 1865.

No. 1180 *of* 1865.—ERRATA.—In Government General Order No. 166, dated 14th February 1865, admitting certain men to the Order of Merit,—

For	*Read*
Havildar Nizam-ul-Din,	Havildar Nizamdeen.
Sepoy Khwaja Nur,	Sepoy Khwajah Noor.
Sepoy Tawakul,	Sepoy Towukkul.
Naik Jamiat Sing,	Naik Jumayet Sing.
Sepoy Siridal,	Sepoy Sirilal.
Sepoy Safeer,	Sepoy Suffeer.

Order Books to be corrected accordingly.

No. 1181 *of* 1865.—The under-mentioned Officers are admitted to the Bengal Staff Corps, with effect from the dates specified opposite to their respective names, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant George Young, of the late 66th Regiment Native Infantay, Quarter Master, 1st Goorkha Regiment (Light Infantry).	28th Oct. 1865.
Cornet William Alexander Lawrence, of Her Majesty's 21st Hussars, Adjutant of the Governor General's Body Guard.	20th Dec. 1864.

No. 1182 *of* 1865.—Cornet William Alexander Lawrence, of Her Majesty's 21st Hussars, admitted to the Bengal Staff Corps in Government General Order No. 1181 of this date, will rank as Lieutenant in that Corps, under the operation of paragraph 84 of Government General Order No. 332 of the 10th April 1861, with effect from the 20th December 1864, subject to Her Majesty's approval.

No. 1183 *of* 1865.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Bombay.
Surgeon Major Charles Archer, M. D., Medical Department.	30th November 1865.

	Date of arrival at Fort William.
Major C. St. G. Brownlow, Staff Corps.	14th December 1865.
Captain (Brevet Major) J. J. H. Gordon, Staff Corps, Commandant, 29th Native Infy.	
Captain (Brevet Major) E. Thompson, late 4th European Regiment.	
Captain W. S. Young, late 59th Native Infantry.	
Lieutenant (Brevet Captain) R. Smith, late 59th Native Infantry.	
Lieutenant H. Rowband, late 63rd Native Infantry, Quarter Master, 9th Native Infantry.	
Lieutenant M. W. Gataker, Staff Corps, Adjutant, 40th Native Infantry.	

No. 1184 *of* 1865.—The A. B. and C. Batteries of the A. Brigade Royal Horse Artillery, arrived in the Steam Ship "Hydaspes," are brought on the Establishment of the Bengal Presidency from date of landing.

No. 1185 *of* 1865.—Her Majesty has been pleased to appoint the under-mentioned gentlemen to be an Assistant Surgeon in Her Majesty's Indian Military Forces at the Presidency of Bengal.

He is accordingly admitted into the service.

MEDICAL DEPARTMENT.

	Date of arrival at Fort William.
Mr. Robert Reid ...	14th Dec. 1865.

No. 1186 *of* 1865.—The under-mentioned Officers having completed 26 years' service, eight years of which were on permanent Staff employ, to be Lieutenant Colonels, from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

Bengal Staff Corps.

Major W. R. Eliott ...	10th Dec. 1865.
„ T. Rattray ...	
„ J. M. Cripps ...	11th Dec. 1865.
„ J. W. Bristow ...	

No. 1187 *of* 1865.—The under-mentioned Officers having completed twenty years' service, six years of which were on permanent Staff employ, to be Majors, from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval.

Bengal Staff Corps.

Captain A. K. Comber ...	12th Dec. 1865.
„ J. Burn ...	
„ J. D. Swayne ...	
„ J. E. Wood ...	
„ C. M. Longmore ...	
„ F. A. Dickins ...	
„ T. F. Forster ...	13th Dec. 1865.
„ F. C. Anderson ...	
„ M. Hunter ...	
„ (Brevet Major) W. D. Hoste,	14th Dec. 1865
„ „ T. B. Harrison,	20th Dec. 1865.

No. 1188 *of* 1865.—The under-mentioned Officers having completed twelve years' service, four years of which were on permanent Staff employ, to be Captains, from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

Bengal Staff Corps.

Lieut. W. L. P. Drummond ...	9th Dec. 1865.
„ H. N. Noble ...	
„ W. R. M. Holroyd ...	10th „ „
„ R. G. Armstrong ...	14th „ „
„ C. S. Maclean ...	14th „ „
„ H. C. P. Rice ...	20th „ „
„ R. D. Osborn ...	

No. 1189 *of* 1865.—The following promotions are made, subject to Her Majesty's approval:—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In succession to.
Cadre of the late 51st Native Infantry.	Lieutenant (Captain in Staff Corps) George Cadogan Thomson ...	Captain ...	23rd Nov. 1865	Captain (Major in Staff Corps) T. C. Darnell, retired.
Cadre of the late 12th Native Infantry.	Lieutenant Frederick Donnelly Harrington ...	Captain ...	30th Nov. „	Captain A. G. Remington, resigned.

No. 1190 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following promotion in the Medical Department:—

Deputy Inspector General of Hospitals A. H. Cheke with temporary rank to be a Deputy Inspector General of Hospitals, vice Deputy Inspector General of Hospitals G. Harper, retired.

H. W. NORMAN, *Colonel,*

Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 437.

Fort William, the 16th December 1865.

NOTIFICATIONS.

Gunner W. H. Nicoll, R. A., Overseer, 1st Grade, Oudh, is removed from the Public Works Department.

No. 438.

The 18th December 1865.

Mr. Charles William Odling, Probationary Assistant Engineer under covenant with the Secretary of State for India in Council, is brought on the effective strength of the Public Works Department, with effect from the 20th October 1865, and is posted to Bengal.

Mr. Odling will be graded as an Assistant Engineer 3rd Grade, from the date he joins the Division to which he may be attached.

No. 439.

The 19th December 1865.

Mr. Adolf Ruckstuhl is appointed to the Public Works Department, as a Supervisor of the 2nd Grade, on probation, and is posted to British Burmah, for employment in Port Blair.

No. 440.

The 20th December 1865.

Lieutenant P. Montgomerie, R. E., Executive Engineer, 4th Grade, Eastern Road Division, Central Provinces, was granted one month's preparatory leave, on the 31st August last, to proceed to Bombay, to appear before a Medical Board.

No. 441.

The under-mentioned passed Military Students of the Thomason Civil Engineering College are brought on the strength of the Upper Subordinate Establishment of the Public Works Department as Overseers of the 1st Grade, on probation, and posted as follows :—

To Bengal.

Tait, Sapper W. R., R. E.
Jones, W., Corporal, R. A.
Murphy J., 2nd Corporal, Sappers and Miners.
Davis J., Private, 1st Battalion, 19th Regiment.

To North-Western Provinces.

Egan, 2nd Corporal H., R. E.
Tate, 2nd Corporal A., R. E.
Walker, 2nd Corporal R., R. E.
Lemon, 2nd Corporal R., R. E.
Dadson, Sapper A., R. E.

To Punjab.

Mill, Sergeant W. H., R. E.
Troup, 2nd Corporal J., R. E.
Algar, Sapper A., R. E.
Kelly, 2nd Corporal J., R. E.

To Oudh.

Seaward, Sapper M., R. E.

To Central Provinces.

Treadaway, Corporal G., R. E.
Cockburn, Corporal J., R. E.

To British Burmah.

Imrie, 2nd Corporal D. B., R. E.
Miller, 2nd Corporal R., R. E.
Jamieson, Sapper W., R. E.

No. 442.

The 21st December 1865.

Captain C. J. Mead, Executive Engineer, 1st Grade, is transferred from Bengal to the Central Provinces.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTIFICATION.

With reference to the Comptroller General's Notification in the *Gazette of India* dated the 21st October last, regarding the transfer of the management of the public debt to the Bank of Bengal, all Officers in charge of Treasuries are informed that Interest Registers and Statements hitherto forwarded to the Loan Branch of this Office should be transmitted to the Bank of Bengal.

2. Government Promissory Notes carrying back interest will not be received for renewal by the Bank; Treasury Officers will therefore be careful to see that all interest *due* on Notes intended for renewal, sub-division, or consolidation, is drawn by the Proprietors or their constituted Agents previous to despatch of the Notes to Calcutta.

E. F. HARRISON,
Offg. Comptroller General of Accounts.

FORT WILLIAM;
LOAN OFFICE,
The 19th December 1865.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office :—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Allahabad Circle Notes for Rupees			97,170
Lahore	,,	,,	5,26,060
Nagpore	,,	,,	22,330

(Sd.) H. HYDE,
Head Commissioner.

16th December 1865.

NOTICE.

Notice is hereby given that Monday, the 1st January 1866, being New Year's Day, will be observed as a close holiday at the Bank of Bengal and General Treasury, in conformity with Government Notification No. 64 of 16th April 1862.

By order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

BANK OF BENGAL;
CALCUTTA,
19*th December* 1865.

LOST.

In transit between Jubbulpore and Calcutta, on the 3rd October 1865, the 1st halves of the following Government Currency Notes of Central Provinces :—

Particulars.

1	Note No.	25558	Rs. 500	Brought over,		Rs.	2,600
1	,,	25559	,, 500	1	Note No.	43213	,, 50
1	,,	25561	,, 500	1	,,	43214	,, 50
1	,,	71301	,, 100	1	,,	43215	,, 50
1	,,	71302	,, 100	1	,,	60762	,, 20
1	,,	71328	,, 100	1	,,	63521	,, 20
1	,,	71341	,, 100	1	,,	70104	,, 20
1	,,	71434	,, 100	1	,,	70105	,, 20
1	,,	78857	,, 100	1	,,	70109	,, 20
1	,,	78858	,, 100	1	,,	74012	,, 20
1	,,	78859	,, 100	1	,,	74013	,, 20
1	,,	95205	,, 100	1	,,	45147	,, 10
1	,,	30580	,, 50	1	,,	45998	,, 10
1	,,	30845	,, 50	1	,,	46610	,, 10
1	,,	31101	,, 50	1	,,	49939	,, 10
1	,,	31662	,, 50	1	,,	60101	,, 10
	Carried over,		2,600		Total,		2,940

The Public as well as the Treasury Officers are warned against cashing any of the above Notes.

BUNSEELOLL ABEER CHUND,
Rae Bahadoor.

KAMPTEE,
2*nd December* 1865.

LOST.

The undersigned hereby notifies for general information that a Government Promissory Note No. 40718 of 4 per cent. Loan of 1854-55, dated 30th June 1854, standing in her name, for Rs. 15,000, was, on the night of the 10th instant, lost on the road to Pooducottah, near Nellore, in the Madras Presidency. The community in general are hereby prohibited from receiving the same. An application for the issue of duplicate has been made to the proper Authorities.

अंबुबाई
AMBOOBOYEE.

TRICHINOPOLY,
21*st January* 1865.

WANTED.

A 2nd Clerk for the Gya Collectorate, on a salary of Rs. 60 per mensem. He must be acquainted with English and Oordoo, and be able to translate.

Applications to be addressed, post paid, accompanied by testimonials.

H. KEAN,
In charge.

GYA COLLECTORATE,
The 21*st November* 1865.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Applications, with copies of testimonials as to character and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

FOR SALE.

CLASSIFIED LIST

OF

PUBLIC WORKS OFFICERS,

CORRECTED UP TO

1st NOVEMBER 1865.

PRICE 2 RUPEES.

Apply to O. T. CUTTER,
Military Orphan Press.

FOR SALE.

Price Five Rupees per Volume.

A COLLECTION of TREATIES, ENGAGEMENTS, and SUNNUDS, relating to India and neighbouring countries, compiled by C. U. Aitchison, B. C. S., Under Secretary to the Government of India in the Foreign Department.

VOLUME I.—Containing the Treaties, &c., relating to Bengal, Burmah, and the Eastern Archipelago. Super royal, 8vo. pp. 372, with three Maps.

VOLUME II.—Containing the Treaties, &c., relating to the North-Western Provinces, Oudh, Nepal, the Punjab, and the States on the Punjab Frontier. Super royal, 8vo. pp. 456, with two Maps.

VOLUME III.—Containing the Treaties, &c., relating to the Peishwa, Nagpoor, and Bundlecund. Super royal, 8vo. pp. 588.

VOLUME IV.—Containing Treaties, &c., relating to the States in Rajpootana, Central India, and Malwa.

VOLUME V.—Containing Treaties, &c., relating to Hyderabad, Mysore and Coorg, the Madras Presidency, and Ceylon.

VOLUME VI.—Containing Treaties, &c., relating to the States within the Bombay Presidency.

Apply to

O. T. CUTTER,
Military Orphan Press.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XIV, corrected in the Office of the Adjutant General up to the 15th of October, is now ready. Price five Rupees *in advance*, and eight annas extra if sent by post. Apply to

CALCUTTA,
6, *Bankshall Street.*

O. T. CUTTER, *Publisher.*

The Sarawuk, Jaenee, Hindustan Banking and Trading Company, "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, No. 186, OLD CHINA BAZAR.

DIRECTORS:

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.

LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.

LALLAH BARROOMULL, of Saharunpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hyderabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demnad, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At	3 months' notice,	3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver, and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the under-mentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,

Managing Director and Secretary.

FOR SALE.

Price Five Rupees.

VOLUME II.

OF

SELECTIONS

FROM

CALCUTTA GAZETTES

OF THE

Years 1789 to 1797.

SHOWING THE POLITICAL AND SOCIAL CONDITION OF THE ENGLISH IN INDIA

SEVENTY YEARS AGO.

BY

W. S. SETON-KARR, C. S.,

Judge of the High Court of Judicature and President of the Record Commission.

Copies of Volume I. are still available, Price Rs. 3. Apply to O. T. Cutter, Military Orphan Press.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 36.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, DECEMBER 23, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.

The Council met at Government House on Friday, the 15th December 1865.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble G. Noble Taylor.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble J. N. Bullen.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

PARTNERSHIP LAW AMENDMENT BILL.

The Hon'ble MR. MAINE introduced the Bill to amend the Law of Partnership in India, and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said, "When the Council gave me leave to introduce this Bill, I stated the grounds on which it appeared to me defensible in principle, and as the question is almost wholly one of principle, I have little to add now that I introduce the measure. I have, however, one observation to make. In the discussions which I have read or heard on the Bill, I perceive that it has become common to call the relation established between the borrower and the lender, who is remunerated according to the rate of profit, a Commanditarian Partnership. And there is some convenience in so styling it, because we have not at present any compendious phrase expressing the relation. There are, however, some disadvantages attending such a description. In the first place, it tends to give a false idea of the Bill. This is not a Bill for legalizing Commanditarian Partnership. Commanditarian Partnership is a purely French institution, founded on a system of rules, which perhaps may be better than the old law of England, but which appear to me, from their minuteness, to be very difficult to work out among Englishmen. It is founded, moreover, on distinctions between classes of associations and between forms of liability, which are unknown to English law and English commercial usage. In the next place, the phrase seems to carry with it an admission that there is some natural or necessary connection between a partnership and a loan of the sort contemplated by the measure. Now the whole argument for the Bill proceeds on a denial of that proposition. We say that there is no natural or necessary connection between a partnership and a loan dependent for its rate of interest upon the profits of the business. We say that such a loan never ought to have constituted the lender a partner; and we say, moreover, that it never would have done so but for the legal fiction which Lord Mansfield was accidentally led to invent for a temporary purpose. I cannot help thinking that all the proposals one hears for limiting the operation of this measure spring from a lingering notion, that there is something in a loan remunerated out of profits which naturally makes the lender a partner. I should greatly prefer the terms "Commanditarian Lender" and "Commanditarian

Loan," to "Commanditarian Partner" and "Commanditarian Partnership."

As to matters of detail, the Bill departs in two points only from the English measure. The first is not important. The explanation added to Section 1 is not placed there because the proposition contained in it is not a legitimate inference from the proposition contained in the Section itself, nor because a Court of Justice would not be sure to draw that inference, but because the case is one which happens to be particularly interesting to the Indian mercantile community, and because it is important that our legislation should be readily intelligible, not only by lawyers but by laymen who are concerned with it. The meaning is, that a person retiring from a partnership and severing his connection with his house of business is not to be construed to continue a partner because he leaves his capital in it, or, in other words, because, instead of taking his money out and then putting it back again, he is contented with a mere adjustment of accounts and with having his share of capital credited to him in the books of his old firm as a commanditarian loan. The second departure is more serious. I have omitted the Section of the English Act which in effect provides that in case of insolvency the commanditarian lender is to get nothing until all the other creditors have been paid sixteen annas in the rupee. Now this is a matter on which I have a strong opinion, though of course I am ready to waive it in deference to any arguments which may be urged to-day or in Committee, or by the Associations to which this Bill will be referred. I was in England when the Bill was discussed in Parliament, and I must confess a decided impression that the Member of Government in charge of the Bill, Sir Roundell Palmer, the present Attorney General, when he was called upon to defend the Section, was a little ashamed of it. The fact is, it was a concession to the adversaries of the measure; and, so far as that was its office, it may have been successful; for of course if you provide that when a crash comes the commanditarian lender is virtually to get nothing, there will be fewer commanditarian loans. Sir, in my Statement of Objects and Reasons, I said in general language that the Section was at variance with the spirit of the Bill; but the practical objection to it is this—and I beg the particular attention of my Hon'ble friends at the other end of the table to it, because until it is removed I do not see how the Section can be defended—you cannot prevent the commanditarain lender from having materials for conjecturing the state of the business in which his money is embarked. It is not a question of stipulating for a power of looking into the books or having accounts rendered. From the nature of the case his receipts and his income will vary with the profits, and he will therefore have some knowledge whether the business is being profitably conducted. Now, under ordinary circumstances there is no reason to suppose that he will be frightened by a few bad years; but see how this Section will work. You tell him that if insolvency does follow, he alone among the creditors is to get nothing from the wreck. Well, then, you increase the anxiety which he will feel through the temporary depression: in other words, the distinct tendency of the Section is to create in him a temptation to withdraw his loan sooner than he otherwise would; and thus a passing difficulty may be converted into absolute ruin. It is very possible that the Section may have been benevolently intended to operate in the interest of creditors; but I say that, taking creditors as a whole class, it is distinctly to their detriment, inasmuch as it tends to make them creditors of insolvent rather than of solvent firms.

The Hon'ble MR. COWIE said, that of the general principle of this important measure he cordially approved. He believed that its practical working would benefit both the general public and the individual trader, and that, if it had become law twenty years ago, the extension of commerce would have been even more rapid and satisfactory than it already had been. He formed this opinion on the merits of the Bill irrespective of any consideration as to whether it followed the French law of Partnership or not, a point which he thought immaterial.

The omission of Section 5 of the English Statute was an important feature, which would no doubt give rise to discussion in Committee. He believed that an argument generally advanced for retaining this clause would be, that a commanditarian lender would naturally stipulate for access to the books and accounts of the firm, and, on seeing it drifting into insolvency, would secure his own funds to the detriment of other creditors. He must acknowledge that the Hon'ble Member, Mr. Maine, had just now very ingeniously turned this identical argument against those who would use it.

The details of the Bill would no doubt be fully discussed in Committee, to which he understood both Mr. Bullen and himself would be nominated.

The Hon'ble MR. BULLEN said that, whilst agreeing with what had fallen from his Hon'ble friend opposite (Mr. Cowie), there was another argument against the omission of a Section corresponding with the 5th Section of the English Statute, with which the Hon'ble mover of the Bill had himself supplied them, when asking leave at the last meeting to introduce the Bill to adapt to this country the English Companies' Act of 1862. The Hon'ble gentleman had then argued that, when a principle had been adopted by the more active and numerous commercial society of England, it might fairly be tried in the commercial society of this country, provided that no argument could be used against it, which might not have been urged in England and had not prevailed. Now, objections were taken to this Section when the measure was discussed in the House of Commons, but though there was a large majority of the Committee in favour of the general principle of the Bill, the mover of an amendment that this Section should be omitted did not venture to press it to a division. He (Mr. Bullen) thought the question of omitting this Section required great consideration, and he reserved to himself the right of moving at a future stage that it be inserted in the Bill.

The Hon'ble the MAHÁRÁJA OF VIZIANAGRAM said, that he concurred with the Hon'ble gentleman who had introduced the Bill, in all that he had said in its support.

To him it appeared that the provisions contemplated by it were admirably adapted to this country, as being in harmony with the system carried out by the Natives of India, among whom mercantile transactions to a great extent were entered into with the direct management of which they were not concerned.

In the absence of any positive law defining the extent to which those who embarked in such transactions might be liable, by the failure or ill success of a mercantile firm, or any other Joint Stock Association, consequent on want of skill or lack of honesty on the part of those to whose immediate care and conduct it had been entrusted, Native Capitalists, however desirous of investing their money so as to secure the largest returns, would not feel confident and come forward to support and engage in undertakings which might be very profitable and advantageous, but with the working of which they were not very familiar.

The Hon'ble Mr. Maine's Bill would effect all that might be desirable on this point.

The Hon'ble RÁJÁ SÁHIB DYAL BAHÁDUR said that, under the first Section of the Bill, a lender advancing money upon a contract that he was to receive a rate of interest varying with the profits, or a share of the profits arising from the trade or undertaking in support of which he had made the advance, was not thereby made a partner in the business, and was absolved from responsibility as such. To this principle he could not give his adhesion, as he considered that an advance made upon such terms constituted the lender a *de facto* partner and entailed on him all the responsibilities of that position.

The position, however, of a lender who made an advance upon a contract that he was to receive a certain fixed rate of yearly interest to be increased to a superior fixed rate as the business improved was different; and he, the Rájá thought, did not thereby either become a partner or render himself liable as such.

With reference to Section 2 of the Bill, he observed that, in India, agents were generally paid by a share of two, four, six or eight annas of the profits, in lieu of any other remuneration, and only received interest at the rate of six per cent. per annum for any funds they might advance in support of the business; they were, however, when so paid, held responsible in case of reverses, and should they be now exempted from such responsibility, mercantile interests would be injuriously affected.

He thought, however, such agents might be exempted from responsibility, if at the time of their appointment they gave due notice of such exemption in all places and countries where they proposed carrying on business or establishing branches of such business, and also to every owner of any portion of the capital of such business.

His Excellency the COMMANDER-IN-CHIEF said, that he was not aware that the principle of the Bill was likely to be opposed, but it appeared from what had dropped from the last speaker that such opposition was really to take effect from a quarter least expected. It was the more necessary, therefore, to take notice of this, as although the principle was not contested openly by the two Hon'ble gentlemen, it did appear that they were probably enemies in disguise, inasmuch as it seemed they were not prepared to carry that principle to its legitimate logical conclusion. The Hon'ble Rájá Sáhib Dyál was not aware that the Bill was especially designed to further the interests of that large Native population which he more especially represented, that is to say, that the object of the measure before the Council was more particularly directed for the assistance of the great number of small capitalists as distinguished from the large ones. He would quote the golden words of the great authority who had first made *commandite* partnership, as understood in France, popularly known in England—Mr. John Stuart Mill, the Hon'ble member for Westminster:—

"It is, above all, with reference to the improvement and elevation of the working classes that complete freedom in the conditions of partnership is indispensable. It is only by combining, that the small means of many can be on anything like an equality of advantage with the great fortunes of a few. The liberty of association is not important solely for its examples of success, but fully as much so for the sake of attempts which would not succeed, but by their failure would give instruction more impressive than can be afforded by anything short of actual experience. Every theory of social improvement, the worth of which is capable of being brought to an experimental test, should be permitted, and even encouraged, to submit itself to that test. From such experiments the aspiring among the working classes would derive lessons which they would be slow to learn from the teaching of persons supposed to have interests and prejudices adverse to their good; and would discover, at no cost to society, the limits of the practical worth of their ideas of social regeneration, as applicable to the present stage of human advancement."

This counsel was especially applicable to India and its people, which of all peoples in the world was one that relied on tradition and the habits of its forefathers, instead of appealing to the progress and science of the day to advance its own welfare. If, therefore, the Hon'ble mover should be the means of awaking them in a very important respect, and inducing them to withdraw their hoards from a state of useless idleness, and applying them to the great purposes of trade, he would deserve well indeed of India. His Excellency had had opportunities, lately, of watching the conduct of the population under all the excitement of trade in a strange crisis. The people of Bombay in their eagerness behaved very much as an European population would have done; but in the Mofussil, on the contrary, we beheld a different scene—people standing still, as it were, and not knowing how to act. Those who lived in the great Presidency Towns were apt to forget the difference of the population before their eyes, from that which lived in the Mofussil and depended altogether on traditional custom. He would therefore strenuously urge the importance of a measure which, besides its own particular object, would help to develope the Native intellect for the application of the hoards of the small capitalists to the purposes of trade.

His Excellency would now advert to the arguments of the Hon'ble Messrs. Bullen and Cowie. He would ask why, if we were convinced of the soundness of a principle, we should halt half way in its application; why should we convert a wholesome measure into one which would create a bastard partnership, for the real essence of this measure would cease to come into play if the commanditarian lender was to be frightened from the liability which it was proposed that he should incur? His Excellency was glad that Mr. Maine had drawn the distinction between the phrases commanditarian *partner* and commanditarian *lender*. There was no doubt that an erroneous impression regarding liability was conveyed by the former expression. In introducing a measure embodying a principle hitherto new and strange, it was especially desirable to be careful in the choice of terms. He therefore hoped that the expression "Commanditarian partner" would be set aside, and that of "Commanditarian lender" invariably substituted.

His Excellency took the object of the Bill to be this—to have co-operation of all classes for commercial purposes, without saddling them with the liability of partnership. It was therefore necessary not to allow the logic of the measure to be interfered with by a feeling which was the remnant of prejudice, following on the fifty years' opposition in England to the introduction of the limited liability principle.

The Hon'ble MR. MUIR said that, before giving his vote in favour of the motion, he wished to say a few words lest his silence should be construed into an entire approval of the Bill as it stood. He merely desired to hold himself free as to the course he should adopt at any future stage of the Bill, in reference to the question of commanditarian lenders being placed on the same footing as ordinary lenders, by the omission of the 5th Section of the English Statute. He confessed that, so far as the argument had yet gone, the balance appeared to him in favour of those who desired to retain that Section. It seemed to him that there was great weight in what had fallen from his Hon'ble friend Mr. Bullen, that by the admission of the Hon'ble mover himself, the Commercial Law of India should, *primâ facie*, be in entire accord with the Commercial Law of England. And on the merits of the question, it did not, at first sight, appear unreasonable to hold that those lenders who participated by rateable shares in the profits, had by the very fact of such participation a greater concern in the business, and consequently might be naturally and justly involved in a greater responsibility and risk, than the ordinary lender. In this view of the case, the ordinary lender might have just cause of complaint if, in the event of failure, the commanditarian lender were placed on precisely the same footing as himself in respect of the liquidation of his claim from the assets.

In saying so much he (Mr. Muir) wished simply to indicate his first impressions on the subject, and to leave himself at liberty to vote for the addition of the English Section 5, if after the further discussion of the point it should appear to him advisable.

The Hon'ble MR. MAINE—"Sir, the observations of His Excellency the Commander-in-Chief, to which I am sure the Council must have listened with much interest, relieve me from the necessity of troubling it with any lengthened reply. But I think I ought not to pass over the objections hinted at, rather than stated, by the Hon'ble Mr. Cowie and the Hon'ble Mr. Bullen. As regards the remarks which fell from the two Native Members, it will be observed that the statements of the Hon'ble Rájá Sáhib Dyál as to Native custom are neutralized by the contradictory statements of the Hon'ble Mahárájá of Vizianagram. One affirms that the Natives do, and the other that they do not, practise among themselves a system of commanditarian loan. Under these circumstances it is proper that I should mention the authority upon which I committed myself, a fortnight ago, to the position that the Bill is in harmony with Native usage. I have heard indirectly from the first Judge of the Calcutta Small Cause Court, Mr. Boulnois, who necessarily comes much into close contact with Native litigants and witnesses, that when a person who has lent money on commanditarian loan to a trader in the Mofussil, is brought into Court, nothing can exceed his astonishment and dismay at finding himself involved, through the English law which prevails here, in the unlimited liabilities of partnership. The balance of testimony appears therefore to me to be in favour of the view taken by the Hon'ble Mahárájá by my side. The Hon'ble Mr. Bullen answers me out of my own mouth by the argument that in commercial matters Indian law ought to follow English law, unless there is a special Indian reason to the contrary. But I do think there is a special Indian reason here. I do not believe that there are any great capitalists here, who are so well contented with their own position that they decline to consent to any alteration of the *status quo*; and who, at the same time, command so strong a following in Parliament that it is worth while conciliating them by a truncated Bill. A graver objection is that which the Hon'ble Mr. Cowie has described. I gather from him that some persons object to the omission of the English Section on the ground that the commanditarian lender has an advantage over other creditors in his knowledge of the state of the business, and that he may use that advantage to get himself paid in full by withdrawing his loan; and they think that he ought to be placed under a compensating disadvantage when insolvency occurs. The true question, however, is, not whether the commanditarian lender is in a better position than other creditors, but whether he is in a better position than other lenders. Now I deny that he is practically in a better position than other lenders, even if he uses his advantage to the utmost. Sir, it is a very rare thing under the present law for a house of business to become a borrower for the sake of increasing its capital. I might appeal to the experience of my two Hon'ble friends. I ask them whether they ever heard of such a case. When, then, does a firm ordinarily become a borrower? Scarcely ever except when it is in embarrassment and difficulty, which of course may be temporary, but which still exists. It goes to a Bank or Financial Association and requests accommodation and assistance, which is given on terms extremely advantageous to the lender. Is, then, the Bank which lends, under such circumstances, in any different position from a commanditarian lender as regards knowledge of the borrower's situation? Why, the very fact of asking for accommodation is notice of embarrassment. So that in that respect the commanditarian lender has no advantage over the lender under the present law. Moreover, he has no advantage in respect of his power of getting himself paid in full. For a Bank does not grant accommodation without requiring security; Government Paper or something equally valuable is deposited, and these securities the lender is entitled to hold against the other creditors. Every body knows that, in cases of insolvency, it is the secured creditors who exhaust the assets to the prejudice of the unsecured, and these secured creditors, in the great majority of instances, are lenders who have advanced money under the existing law. It follows that the commanditarian lender has no advantage over other lenders through any supposed privilege of recovering the whole of his loan. In point of fact he will ordinarily enjoy less advantage. For I suppose that, when a commanditarian loan is taken, the borrower will ordinarily stipulate that it shall not be withdrawn without reasonable notice, say a year or eighteen months. Such a stipulation will tend to prevent the commanditarian lender from escaping the insolvency, and instead of getting paid in full he will

only share with the other creditors. I can see, therefore, no shadow of reason for placing him under greater disadvantages than other lenders, by providing that under no circumstances, if his money is left in the firm when the insolvency occurs, is he to recover anything out of the assets. At the same time, to be perfectly candid, I do not pretend to deny that, through the general operation of this Bill, or, again, through the omission of this Section, the general creditors may, in individual cases of insolvency, get less than they would have got under the old law. But the Bill, particularly if this Section be omitted, promises to multiply commanditarian loans, and thus to add to the general stability and solidity of all houses of business. Even now, happily, creditors as an entire class are vastly oftener creditors of solvent than of insolvent firms, and this Bill tends to raise the whole level of solvency. Sir, it is too much the habit of legislatures—and particularly when they are under the guidance of lawyers—to sacrifice great ends to small ones; and I think we should be falling into that error if we directed our legislation less to solvency, which is the rule, than to insolvency, which is the rare exception, and if we sacrificed the great augmentation of stability and solidity which this measure will bring about to minute provisions for saving a little more in particular cases for the creditors of an occasionally insolvent firm. There is a story of an old Ship-Captain who said it was a shame to build iron ships, because, if they went to pieces, there would be so much less timber to cling to. The answer is, that iron ships are more easily and safely navigated than wooden ones, and therefore there would be fewer wrecks. Just so, if this Bill becomes law, the creditors of an insolvent may, here and there, get a little less than they do at present, but there will be fewer insolvencies. I believe that the measure is as distinctly in favour of creditors as a class as it is in favour of debtors."

The Hon'ble the LIEUTENANT-GOVERNOR said, that although the Hon'ble mover had replied, he hoped he might be permitted to say one or two words in support of the Bill. His Honour had heard a special Indian reason given for it—namely, the relief which it would afford to Mahomedan traders. It was very well known to the Council that Mahomedans were prohibited by their law from taking interest for a loan, but that they were not prohibited from sharing in the borrower's profits. The difference between interest and profits was well known to Mahomedan traders, but in default of a law like the present Bill, they were obliged to resort to all sorts of expedients. The present Bill would exactly meet the case. Every Mahomedan with a small capital who wished to invest his capital, would, if the Bill became law, be enabled to lend with perfect security and without doing violence to his conscience. In that respect he (the Lieutenant-Governor) had no doubt—indeed he had been positively assured—that the measure would prove particularly acceptable to the Mahomedan community.

The Motion was put and agreed to.

PLEADERS, MOOKHTARS AND REVENUE AGENTS' ACT AMENDMENT BILL.

The Hon'ble MR. MAINE moved for leave to introduce a Bill to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865. He said the object of this Bill was to defer in one or two respects the operation of the Pleaders, Mookhtars and Revenue Agents' Act, one of the valuable measures for which we were indebted to Mr. Harington. The Act required the High Court to make rules for the qualification, examination and removal of Pleaders and Mookhtars, provided for their enrolment and for the issue to them of stamped certificates, and declared that uncertificated persons, other than Advocates and Attorneys of a High Court, practising as Pleaders or Mookhtars, were to be liable to fine and imprisonment, and to be incapable of recovering fees. The provisions as to persons practising in the Revenue Courts corresponded with those applicable to Pleaders in Courts of Law. The Act would come into operation in Bengal in a fortnight. But the High Court had not yet framed the necessary rules, nor had any steps been taken by the practitioners in the Mofussil to become enrolled and procure stamped certificates, matters which obviously required some time to effect. Under these circumstances, unless the operation of the Act were to some extent postponed, legal business in the Mofussil would come to a stand-still. The present Bill declared that all persons qualified as Pleaders, Mookhtars or Revenue Agents on the 1st January 1866, the day on which Act No. XX of 1865 would come into operation, might continue to practise for six months from that date as if the Act had not been passed. The Bill also provided that sums payable by any person in respect of the fees of his adversary's Pleader should be payable during the six months as if the Act had not been passed. In other respects the Act was left to operate on the 1st January 1866. He proposed, if the Council would allow the Bill to be introduced, to ask them to pass it summarily at their next meeting.

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill to amend the Law of Partnership in India—His Excellency the Commander-in-Chief, the Hon'ble Mr. Grey, the Right Hon'ble Mr. Massey, the Hon'ble Mr. Bullen, the Hon'ble Rájá Sáhib Dyál Bahádur, the Hon'ble Mr. Cowie and the Mover.

The Council adjourned till the 22nd December.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

CALCUTTA,
The 15th December 1865.

HOME DEPARTMENT.

Indo-European line of Telegraph.

From E. C. BAYLEY, ESQ., Secy. to Govt. of India, to Offg. Director General of Telegraphs in India,—No. 3215, dated Simla, the 25th October 1865.

I am directed to call your attention to the statement made in the Report of the Bombay Chamber of Commerce on the Indian Telegraph,* to the effect that the Director General, or the local Director, (it is not clear which is meant,) refused the request of the Chamber of Commerce that the Kurrachee date might be noted on all telegraphic messages

* Vide the *Englishman* of 7th October 1865.

received from England, giving what appears the extraordinary reply that "the Indian Telegraph Department is content to bear the onus of *ad interim* blame, leaving it to complainants to show where the fault lies."

2. I am to request that you will report whether this statement is accurate; and if it is, that you will be good enough to enquire what is now the practice, and to satisfy yourself whether there is any real objection to a compliance with the request of the Bombay Chamber of Commerce, which, *prima fâcie*, seems to be a reasonable one.

READ the following statement made in the Report of the Bombay Chamber of Commerce on the Indian Telegraph, published in the *Englishman* of the 7th October 1865:—

Your Committee requested the Director of Telegraphs to give instructions that the Kurrachee date might be noted on all telegrams received from London for Bombay, or any other place in India east of Kurrachee; but he refused, saying "the Indian Telegraph Department is content to bear the onus of *ad interim* blame, leaving it to complainants to show where the fault lies." This seems rather short-sighted policy; as, in the true interests of the Department, it can never be right for the Director General to be other than conciliatory and accommodating, with a desire to afford information to the public at all times and on all points connected with the Department over which he presides, when it is required.

From LIEUT. COLONEL D. G. ROBINSON, R. E., Offg. Director General of Telegraphs in India, to Secy. to Govt. of India, Home Dept.,—No. 2019, dated Calcutta, 7th December 1865.

In reply to your letter of 25th October, No. 3215, I have the honor to forward, for the information of the Governor General in Council, copies of the whole correspondence on the subject.

2. You will observe that the quotation given by the Bombay Chamber of Commerce as published in the *Englishman* is an *inaccurate* extract from my Departmental letter to Mr. B. C. Bailey, the Director at Bombay, forwarded for his own guidance, but certainly not intended for submission to the Chamber of Commerce, and also that the substitution of the word *complainants** for *complaints* has completely altered the meaning of the sentence. The former would fix the onus of proof on those who had suffered the injury, the latter states that the Indian Telegraph Department will accept the responsibility of the blame until such time as the investigation of the complaints in the Complaint Office shall prove which Department is really in fault.

* *Extract from my letter.*	*Extract from Report of Bombay Chamber of Commerce as published in the* Englishman.
"is content to bear the onus of *ad interim* blame, leaving it to *complaints* to show where the fault lies."	"is content to bear the onus of *ad interim* blame, leaving it to *complainants* to show where the fault lies."

3. At the time the Chamber of Commerce addressed Mr. Bailey, it was the practice of the Department to attach Kurrachee dates to the messages, but as this was for purely Departmental discipline, to enable the administration to watch the progress of the messages on a newly opened line, and intended to continue only until such time as the lines were in thorough good order, the dates were purposely withheld from the public for fear of its hereafter claiming them as a right, when it would have been difficult to withdraw them. Indeed only a few days before I wrote to the Officiating Director of Telegraphs, Western Division (vide last para. of it), my predecessor had ordered the practice to be discontinued, and the dates to be given only twice a day for the following reason, (which is also a reply to the last question of your letter), viz., that the addition of the date to each message adds at least 5 per cent. to the length of time required to telegraph it, and consequently delays the progress of the rear messsages awaiting their turn for transmission to an extent far exceeding the limited gratification the possession of an intermediate, but really useless, date can afford.

4. During my absence from Calcutta, the Secretary of the Calcutta Chamber of Commerce, in a demi-official letter to the Director, Eastern Division, made a similar application. Major Murray suggested that, in addition to the maximum and minimum intervals of ordinary messages already published in the Gazette, and in lieu of giving a Kurrachee date to every message, a maximum and minimum time interval report of the period occupied in transmission of Indo-European messages between Kurrachee and Calcutta should also be published; but as this would involve the giving a Kurrachee date to every message transmitted, I have ordered instead the publication of the time occupied by the first message transmitted daily from Kurrachee after 6 and 18 hours respectively, and I purpose, there being no Telegraph Gazette at Bombay, at once directing a similar notification being affixed to the window of the Telegraph Office at that Station, as well as at each important Commercial Centre, for the satisfaction of those interested who may choose to enquire, and also in addition to the above, to publish every morning the latest United Kingdom date of the European messages received on the former day at these Stations.

From B. C. BAILEY, ESQ., Offg. Director of Telegraphs, Western Division, to Director General of Telegraphs in India,—No. 551, dated Bombay, 23rd June 1865.

I forward herewith copy of a letter No. 98, dated 6th instant, from the Secretary, Bombay Chamber of Commerce, suggesting that the Kurrachee date and time of despatch may be given on all messages from the Indo-European line.

2. As the Department is at present blamed for the delays of the Indo-European line as well as its own, I recommend that the Chamber's suggestion be adopted.

From JAMES TAYLOR, ESQ., Secy., Bombay Chamber of Commerce, to Director of Telegraphs, Bombay,—No. 98, dated 6th June 1865.

I am directed by the Committee of the Chamber of Commerce to suggest that you will be good enough to give instructions to the Superintendent of the Electric Telegraph at Kurrachee to order that the Kurrachee time be appended to all Indo-European telegrams transmitted to Bombay and eastward of Kurrachee.

The Chamber is given to understand that the time of receipt is appended to every telegram received by the Indo-European Department when the same is handed over to the Telegraph Office at

Kurrachee for further despatch; and the adoption of this practice on all messages forwarded to Bombay from Kurrachee will enable addressees to note the portion of time taken up in the transmission of Indo-European messages between the former place and Bombay.

From LIEUT. COLONEL D. G. ROBINSON, Offg. Director General of Telegraphs in India, to Offg. Director of Telegraphs, Western Division,—No. 995, dated Calcutta, 31st July 1865.

Your No. 551 of the 23rd June, covering copy of a communication from the Bombay Chamber of Commerce, suggesting that the Kurrachee time and date of despatch may be given on all messages received for onward transmission from the Indo-European Telegraph in order that delays, whether on the Indian or on the Indo-European system, may be readily ascertained.

It is not a question of escaping blame ourselves or throwing it on other persons, for on this principle might Circles or other Telegraph systems just as well give a Circle or frontier date.

The Indian Telegraph Department is content to bear the onus of *ad interim* blame, leaving it to complaints to show where the fault lies.

My predecessor's telegram of the 21st July 1865 will have informed you that the discontinuance of the Kurrachee date has been directed, except twice a day for the present.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

PUBLICK LIBRARY CALCUTTA

No. 52.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 30, 1865.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd of December 1865, and is hereby promulgated for general information :—

Act No. XXIX of 1865.

An Act to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865.

Whereas it is expedient to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865 (Act No. XX of 1865); It is enacted as follows :—

Preamble.

1. Notwithstanding anything contained in the Pleaders, Mookhtars and Revenue Agents' Act, 1865, any person who at the time when such Act shall come into operation shall be duly qualified to practise as a Pleader or Mookhtar in any Court in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as a Pleader or Mookhtar, as the case may be, in such Court for the period of six calendar months from the time when the said Act, shall come into operation in that part of India, without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act had not been passed.

Persons qualified as Pleaders or Mookhtars when Act No. XX of 1865 shall come into operation may continue to practise for six months as if that Act had not been passed.

2. All fees which are now by law payable upon proceedings in any Court by any party in respect of the fees of his adversary's Pleader shall continue to be payable, and may be allowed during the said period of six calendar months as if the said Act had not been passed.

Fees now payable by any person in respect of his adversary's Pleader to be payable during the six months as if Act XX of 1865 had not been passed.

3. Notwithstanding anything contained in the said Act, any person who all the time when such Act shall come into operation shall practise as an Agent in any proceeding before the Board of Revenue or in any Office subordinate to such Board, in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as an Agent before such Board or in such Office, as the case may be, for the period of six calendar months from the time when the said Act shall come into operation in that part of India without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act, had not been passed.

Persons practising as Revenue Agents when Act No. XX of 1865 shall come into operation, may continue to practise for six months as if that Act had not been passed.

4. Whenever the High Court shall cause a certificate, whether original or renewed, authorizing the holder to practise as a Pleader in the Courts mentioned in Clause (*c*) of Section 10 of the said Act, to be issued to a person entitled, under the proviso in Section 5 of the same Act, to be admitted and enrolled as a Pleader in the High Court without passing any examination, the Court may in such certificate authorize the holder to practise as a Pleader in Small Cause Courts in addition to the Courts mentioned in the said Clause (*c*), and he shall thereupon be entitled to practise as last aforesaid, subject to the conditions contained in the said Act as to the duration of and stamp on a certificate authorizing the holder to practise as a Pleader in the Courts mentioned in the said Clause (*c*).

High Court may permit person entitled, without examination, to a certificate authorizing him to practise as a Pleader in the Courts mentioned in Act No. XX of 1865, Section 10, Clause (*c*), to practise in Small Cause Courts.

5. In the construction of this Act and of the said Act No. XX of 1865, the expression 'Office subordinate to such Board' and in the construction of the latter Act, the expression 'Revenue Office,' shall be taken to apply to Collectors and Deputy Collectors trying suits under Act No. X of 1859

Interpretation clause.

(*to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal*).

This Act to be taken as part of Act No. XX of 1865.

6. This Act shall be read with and taken as part of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (*Legislative.*)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd day of December 1865, and is hereby promulgated for general information:—

ACT No. XXX OF 1865.

An Act to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation.

Preamble.

Whereas, by an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State in Council of the one part, and the Madras Irrigation and Canal Company of the other part, it was amongst other things provided that the Company should be authorized and empowered to charge such rates for the supply of water generally, except the supply for the purposes of Irrigation, as should not exceed the rates which should "be defined by an Act of Parliament of the Indian Legislature," and should not in any case charge any higher rates whatsoever: And whereas it is expedient to fix the rates which the said Company may charge for the said purpose; It is enacted as follows:—

Rate which Company may charge for water supplied for purposes other than Irrigation.

1. The Madras Irrigation and Canal Company may charge for the supply of water generally, except the supply for the purposes of Irrigation, a rate not exceeding the sum of one Rupee for four hundred cubic yards of water.

Commencement of Act.

2. This Act shall come into force on the first day of January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th December 1865 and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 23 OF 1865.

A Bill to amend the Law of Partnership in India.

Preamble.

Whereas it is expedient to amend the Law relating to Partnership; It is enacted as follows:—

Lender not a partner by advancing money for share of profits.

1. The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such.

Explanation.—A person who being entitled, whether as a retiring partner or otherwise, to demand and receive present payment of the value of any share or interest of or in the capital or other funds of a business shall, after the value thereof shall have been ascertained between such person and the person or persons liable to pay the same, allow the same to remain therein or to be used by such person or persons for the purposes of such business, shall be construed to make an advance of money by way of loan within the meaning of this Section.

Remuneration of agents, &c., by profits not to make them partners.

2. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking shall, of itself, render such servant or agent responsible as a partner therein, nor give him the rights of a partner.

Certain annuitants not to be deemed partners.

3. No person being the widow or child of the deceased partner of a trader and receiving by way of annuity a portion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a partner of or to be subject to any liabilities incurred by such trader.

Receipt of profits, &c., not to make the seller a partner.

4. No person receiving by way of annuity or otherwise a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a partner of, or be subject to, the liabilities of the person carrying on such business.

Interpretation of "person."

5. In the construction of this Act, the word "person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation.

STATEMENT OF OBJECTS AND REASONS.

This Bill is, with one addition and one omission, transcribed from the English Statute 27 and 28

Vic., cap. 86, which, by simply abolishing an objectionable legal principle, known as the rule in *Waugh* v. *Carver*, is expected to produce the same effects as the French system of partnership *en commandite*.

Apart from the obvious expediency of Indian following English legislation in mercantile matters, the abolition of the rule in question is desirable for various reasons. The rule—that he who participates in the profits of a partnership shall, by operation of law, be made liable to its losses—is a mere *obiter dictum* of Chief Justice Eyre's, and is founded by him on Lord Mansfield's irrelevant decision in *Grace* v. *Smith*. In that case the share of the profits stipulated for by the lender, would have amounted to more than the legal rate of interest, and the fiction of a constructive partnership was invented by Lord Mansfield as the only means of upholding a contract which, if regarded as one of loan, would have been void as contravening the usury laws. These laws having now been abolished, the fiction which originated in them need no longer be maintained. Next, the abolition of the rule will give additional stability to mercantile firms, by doing away with the risk which at present would be incurred by retiring partners who should leave their shares in the business, stipulating for remuneration out of the profits. Thirdly, the Bill, if it become law, will promote those beneficial arrangements between employer and employed, based on the principle of the latter being remunerated by a portion of the profits of the business. Fourthly, interests created under the proposed Act will not generally be saleable, and the non-commercial classes will therefore be able to procure investments which, though more remunerative than Government Paper or mortgages, have not the highly speculative value of shares in ordinary limited liability undertakings. Lastly, the change proposed would in one important respect bring our mercantile law into harmony with that of the Natives of India, who are well known to practise among themselves a system of commanditarian partnership.

The addition above referred to is that of an explanation to the effect that a retiring partner leaving in the business the value of his share shall be construed to make a loan within the meaning of the 1st section. The omission above referred to is that of the 5th section of the English Statute, which provides that, in case of the borrower's insolvency, the commanditarian lender shall not be entitled to prove in competition with the other creditors. This provision appears to be at variance with the spirit of the rest of the enactment; and there would, moreover, be practical difficulties in working it in the Mofussil, where no system of insolvency has yet been established.

H. S. MAINE.

The 5th December 1865.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 22nd December 1865, and was referred to a Select Committee with instructions to make their report thereon in six weeks :—

No. 24 OF 1865.

A Bill for the incorporation, regulation, and winding up of Trading Companies and other Associations.

Whereas it is expedient that the laws relating to the incorporation, regulation, and winding up of Trading Companies and other Associations should be consolidated and amended; It is enacted as follows :—

Preamble.

Preliminary.

1. This Act may be cited for all purposes as "The Indian Companies' Act, 1866."

Short Title.

2. This Act shall come into operation on the *first* day of *March* 1866, and the time at which it so comes into operation is hereinafter referred to as the commencement of this Act.

Commencement of Act.

3. In this Act, unless there be something repugnant in the subject or context :—

"British India" means the Territories which are or may become vested in Her Majesty or her successors by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better Government of India."

"British India."

"Year" and "Month" respectively denote a year and month reckoned according to the British calendar.

"Year."
"Month."

An "Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses.

"Insurance Company."

"District Court" means the principal Civil Court of original jurisdiction in a District, but does not include the High Court in the exercise of its ordinary original Civil jurisdiction;

"District Court."

And, in any part of British India in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such part; and High Court denotes the highest Civil Court of appeal therein.

"Local Government."
"High Court."

4. No Company, Association or Partnership consisting of more than *ten* persons shall be formed, after the commencement of this Act, for the purpose of carrying on the business of banking, unless it is

Prohibition of partnerships exceeding certain number.

registered as a Company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor General of India in Council, or by Royal Charter or Letters Patent; and no Company, Association or Partnership consisting of more than twenty persons shall be formed, after the commencement of this Act, for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act or of Letters Patent.

5. This Act is divided into nine parts relating to the following subject-matters:— Division of Act.

The first Part—to the constitution and incorporation of Companies and Associations under this Act:

The second Part—to the distribution of the capital and liability of members of Companies and Associations under this Act:

The third Part—to the management and administration of Companies and Associations under this Act:

The fourth Part—to the winding up of Companies and Associations under this Act:

The fifth Part—to the Registration Office:

The sixth Part—to the application of this Act to Companies registered under Act No. XIX of 1857 *(for the incorporation and regulation of Joint Stock Companies and other Associations either with or without limited liability of the members thereof)* and Act No. VII of 1860 *(to enable Joint Stock Banking Companies to be formed on the principle of limited liability)*, or either of them.

The seventh Part—to Companies authorized to register under this Act:

The eighth Part—to the application of this Act to unregistered Companies:

The ninth Part—to repeal of Acts.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of Association, and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated Company, with or without limited liability. Mode of forming Company.

7. The liability of the members of a Company formed under this Act may, according to the Memorandum of Association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the Memorandum of Association to contribute to the assets of the Company in the event of its being wound up. Mode of limiting liability of members.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the Memorandum of Association shall contain the following things; (that is to say)— Memorandum of Association of a Company limited by shares.

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that the liability of the members is limited:

(5.) The amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount, subject to the following regulations:—

(1.) That no subscriber shall take less than one share.

(2.) That each subscriber of the Memorandum of Association shall write opposite to his name the number of shares he takes.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up, hereinafter referred to as a Company limited by guarantee, the Memorandum of Association shall contain the following things, (that is to say)— Memorandum of Association of a Company limited by guarantee.

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members hereinafter referred to as an unlimited Company, the Memorandum of Memorandum of Association of an unlimited Company.

Association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established.

11. The Memorandum of Association shall bear the same stamp as if it were a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in the Memorandum contained, on the part of himself, his heirs, executors and administrators, a covenant to observe all the conditions of such Memorandum, subject to the provisions of this Act.

Stamp, signature, and effect of Memorandum of Association.

12. Any Company limited by shares may so far modify the conditions contaned in its Memorandum of Association, if authorized to do so by its regulations as originally framed or as altered by special resolution in manner hereinafter mentioned, as to increase its capital by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid-up shares into stock, but, save as aforesaid, and save as hereinafter provided in the case of a change of name, no alteration shall be made by any Company in the conditions contained in its Memorandum of Association.

Power of certain Companies to alter memorandum of Association.

13. Any Company under this Act, with the sanction of a Special Resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Local Government [testified in writing under the hand of one of the Secretaries to such Government], may change its name, and upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Power of Companies to change name.

Articles of Association.

14. The Memorandum of Association may, in the case of a Company limited by shares, and shall, in the case a of Company limited by guarantee or unlimited, be accompanied, when registered by Articles of Association signed by the subscribers to the Memorandum of Association, and prescribing such Regulations for the Company as the subscribers to the Memorandum of Association deem expedient. The Articles shall be expressed in separate paragraphs, numbered arithmetically. They may adopt all or any of the provisions contained in the table marked A in the first Schedule hereto. They shall, in the case of a Company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered; and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration. In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the Memorandum of Association the number of shares he takes.

Regulations to be prescribed by Articles of Association.

15. In the case of a Company limited by shares, if the memorandum of Association is not accompanied by Articles of Association, or, in so far as the Articles do not exclude or modify the regulations contained in the Table marked A in the first Schedule hereto, the last mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company in the same manner and to the same extent as if they had been inserted in Articles of Association and the Articles had been duly registered.

Application of Table A.

16. The Articles of Association shall be printed, they shall bear the same stamp as if they were contained in a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in such Articles contained, a covenant on the part of himself, his heirs, executors and administrators, to conform to all the regulations contained in such Articles, subject to the provisions of this Act. All monies payable by any member to the Company, in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

Stamp, signature, and effect of Articles of Association.

General Provisions.

17. The Memorandum of Association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies hereinafter mentioned, who shall retain and register the same. There shall be paid to the Registrar by a Company having a capital divided into shares, in respect of the several matters mentioned in the Table marked B in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor General of India in Council may from time to time direct, and by a Company not having capital

Registration of Memorandum of Association and Articles of Association with fees as in Table B.

divided into shares, in respect of the several matters mentioned in the Table marked C in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor General of India in Council may from time to time direct. All fees paid to the said Registrar in pursuance of this Act shall be accounted for to Government.

Effect of registration.

18. Upon the registration of the Memorandum of Association and of the Articles of Association in cases where Articles of Association are required by this Act, or by the desire of the parties to be registered, the Registrar shall certify under his hand that the Company is incorporated, and in the case of a limited Company that the Company is limited; the subscribers of the Memorandum of Association, together with such other persons as may from time to time become members of the Company, shall thereupon be a body corporate by the name contained in the Memorandum of Association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company in the event of the same being wound up as is hereinafter mentioned. A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

Copies of Memorandum and Articles to be given to members.

19. A copy of the Memorandum of Association having annexed thereto the Articles of Association, if any, shall be forwarded to every member, at his request, on payment of the sum of one rupee, or such less sum as may be prescribed by the Company for each copy; and if any Company makes default in forwarding a copy of the Memorandum of Association and Articles of Association, if any, to a member in pursuance of this Section, the Company so making default shall for each offence incur a penalty not exceeding twenty rupees.

Prohibition against identity of names in Companies.

20. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting Company is in the course of being dissolved, and testifies its consent in such manner as the Registrar requires. If any Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first mentioned Company may, with the sanction of the Registrar, change its name, and upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

PART II.

Distribution of Capital and Liability of Members of Companies and Associations under this Act.

Distribution of Capital.

Nature of interest in Company.

21. The shares or other interest of any member in a Company under this Act shall be moveable property capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Definition of "Member."

22. The subscribers of the Memorandum of Association of any Company under this Act shall be deemed to have agreed to become members of the Company whose Memorandum they have subscribed, and upon the registration of the Company shall be entered as members on the register of members hereinafter mentioned; and every other person who has agreed to become a member of a Company under this Act, and whose name is entered on the register of members, shall be deemed to be a member of the Company.

Transfer by personal representative.

23. Any transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Register of members.

24. Every Company under this Act shall cause to be kept in one or more books a register of its members, and there shall be entered therein the following particulars:—

(1.) The names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid or agreed to be considered as paid on the shares of each member:

(2.) The date at which the name of any person was entered in the register as a member:

(3.) The date at which any person ceased to be a member.

Any Company acting in contravention of this Section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such contravention shall incur the like penalty.

25 Every Company under this Act, and having a capital divided into shares, shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the ordinary general meeting, or if there is more than one ordinary meeting in each year the first of such ordinary general meetings, is held, are members of the Company. Such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

Annual list of members.

(1.) The amount of the capital of the Company and the number of shares into which it is divided:

(2.) The number of shares taken from the commencement of the Company up to the date of the summary:

(3.) The amount of calls made on each share:

(4.) The total amount of calls received:

(5.) The total amount of calls unpaid:

(6.) The total amount of shares forfeited:

(7.) The names, addresses, and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the register, and shall be completed within seven days after such fourteenth day as is mentioned in this Section, and a copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

26. If any Company under this Act and having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding one-hundred rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Penalty on Company, &c., not keeping a proper register.

27. Every Company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall give notice to the Registrar of Joint Stock Companies of such consolidation, division or conversion, specifying the shares so consolidated, divided or converted.

Company to give notice of consolidation or of conversion of capital into stock.

28. Where any Company under this Act and having a capital divided into shares has converted any portion of its capital into stock, and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the register of members hereby required to be kept by the Company, and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list instead of the amount of shares and the particulars relating to shares hereinbefore required.

Effect of conversion of shares into stock.

29. No notice of any trust express, implied, or constructive, shall be entered on the register or be receivable by the Registrar in the case of Companies under this Act and registered in British India.

Entry of trusts on register.

30. A certificate under the common seal of the Company specifying any share or shares or stock held by any member of a Company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Certificate of shares or stock.

31. The register of members commencing from the date of the registration of the Company shall be kept at the registered Office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall, during business hours, but subject to such reasonable restrictions as the Company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee or such less sum as the Company may prescribe for each inspection. Every such member or other person may require a copy of such register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned on payment of eight annas for every hundred words required to be copied. If such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding forty rupees, and a further penalty not exceeding forty rupees for every day during which such refusal continues. Every Director and Manager of the Company who shall knowingly authorize or permit such refusal shall incur the like penalty. In addition to the above penalty, any Judge of a High Court may by order compel an immediate inspection of the register.

Inspection of register.

32. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the District in which the registered Office of the Company is situated, close the register of members, for any time or times not exceeding in the whole thirty days in each year.

Power to close register.

33. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and, where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Regisi trar in the case of an increase of capital, withn fifteen days from the date of the passing of the

Notice of increase of capital and of members to be given to Registrar.

resolution by which such increase has been authorized, and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place, and the Registrar shall forthwith record the amount of such increase of capital or members. If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues, and every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

Remedy for improper entry or omission of entry in register.

34. If the name of any person is without sufficient cause entered in, or omitted from, the register of members of any Company under this Act, or if default is made, or unnecessary delay takes place in entering on the register, the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original Civil jurisdiction in the district or place in which the registered Office of the Company is situate, apply for an order of the Court that the register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained. The Court may in any proceeding under this Section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the register; provided that the Court may direct an issue to be tried, in which any question of law may be raised, and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Notice to Registrar of rectification of register.

35. Whenever any order has been made rectifying the register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall, by its order, direct that due notice of such rectification be given to the Registrar.

Register to be evidence.

36. The register of members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Liability of Members.

Liability of present and past members of Company.

37. In the event of a Company formed under this Act being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company, and the costs, charges and expenses of the winding up and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves with the qualifications following; (that is to say)—

(1.) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding up:

(2.) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(3.) No past member shall be liable to contribute to the assets of the Company, unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(4.) In the case of a Company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(5.) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the Memorandum of Association:

(6.) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract, whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(7.) No sum due to any member of a Company in his character of a member by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered Office of Company.

38. Every Company under this Act shall have a registered Office to which all communications and notices may be addressed. If any Company under this Act carries on business without having such an Office, it shall incur a penalty not exceeding one-hundred rupees for every during which business is so carried on.

Notice of situation of registered Office.

39. Notice of the situation of such registered Office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company

shall not be deemed to have complied with the provisions of this Act with respect to having a registered Office.

Publication of name by a limited Company.

40. Every limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every Office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language, and also, if the registered Office be situate in a district beyond the local limits of the ordinary original Civil jurisdiction of a High Court, in the language required to be used in judicial proceedings in such district, and shall have its name engraven in legible characters in such languages on its seal, and shall have its name mentioned in legible characters in such languages in all notices, advertisements, and other official publications of such Company, and in all Bills of Exchange, Hundís, Promissory Notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts, and letters of credit of the Company.

Penalties on non-publication of name.

41. If any limited Company under this Act does not paint or affix and keep painted or affixed its name, in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name, and for every day during which such name is not so kept, painted, or affixed. Every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalty. If any Director, Manager, or Officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement, or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company, any Bill of Exchange, Hundí, Promissory Note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt, or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such Bill of Exchange, Hundí, Promissory Note, cheque, or order for money or goods, for the amount thereof unless the same is duly paid by the Company.

Contracts how made.

42. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say)—

(1). Any contract which if made between private persons would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the Company in writing under the common seal of the Company, and such contract may be in the same manner varied or discharged:

(2). Any contract which if made between private persons would be by law required to be in writing, and signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company, and such contract may in the same manner be varied or discharged:

(3). Any contract which if made between private persons would by law be valid, although made by parol only, and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be.

Register of mortgages.

43. Every limited Company under this Act shall keep a register of all mortgages and charges specifically affecting property of the Company, and shall enter in such register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge. If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every Director, Manager, or other Officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding one thousand rupees. The register of mortgages required by this Section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding one hundred rupees, and a further penalty not exceeding forty rupees for every day during which such refusal continues. In addition to the above penalty, any Judge of the High Court sitting in Chambers may by order compel an immediate inspection of the register.

Certain Companies to publish statement entered in Schedule.

44. Every limited Banking Company and every Insurance Company, and Deposit, Provident, or Benefit Society under this Act shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first Schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered Office of the Company and in every branch Office or place where the business of the Company is carried on. If default is made in compliance with the provisions of this Section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this Section shall be enti-

tled to a copy of the abovementioned statement on payment of a sum not exceeding eight annas.

45. Every Company under this Act and not having a capital divided into shares shall keep at its registered Office a register containing the names and addresses and the occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a copy of such register, and shall from time to time notify to the Registrar any change that takes place in such Directors or Managers.

List of Directors to be sent to Registrar.

46. If any Company under this Act and not having a capital divided into shares, makes default in keeping a register of its Directors or Managers, or in sending a copy of such register to the Registrar in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such Directors or Managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Penalty on Company not keeping register of Directors.

47. A Promissory Note, Bill of Exchange, or Hundí shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, accepted, or endorsed by or on behalf, or on account of the Company, by any person acting under the authority of the Company.

Promissory Notes, Bills of Exchange, and Hundís.

48. If any Company under this Act carries on business when the number of its members is less than seven for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Prohibition against carrying on business with less than seven members.

Provisions for Protection of Members.

49. A general meeting of every Company under this Act shall be held once at the least in every year. If default is made in compliance with the provisions of this Section, every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall be liable to a penalty of one thousand rupees.

General meeting of Company.

50. Subject to the provisions of this Act, and to the conditions contained in the Memorandum of Association, any Company formed under this Act may, in general meeting, from time to time by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the Articles of Association, or in the Table marked A in the first Schedule, where such Table is applicable to the Company, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company. Any regulations so made by special resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the Articles of Association, and shall be subject in like manner to be altered or modified by any subsequent special resolution.

Power to alter regulations by special resolution.

51. A resolution passed by a Company under this Act shall be deemed to be special, whenever a resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote as may be present, in person or by proxy (in cases where by the regulations of the Company proxies are allowed), at any general meeting of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote as may be present, in person or by proxy, at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month from the date of the meeting at which such resolution was first passed. At any meeting mentioned in this Section, unless a poll is demanded by at least five members, a declaration of the Chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notice of any meeting shall, for the purposes of this Section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company. In computing the majority under this Section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Definition of special resolution.

52. In default of any regulations as to voting, every member shall have one vote, and in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the Table marked A in the first Schedule hereto. In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and in default of any regulations as to who is to be Chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Provision where no regulations as to meetings.

53. A copy of any special resolution that is passed by any Company under this Act shall be printed and forwarded to the

Registry of special resolutions.

Registrar of Joint Stock Companies, and be recorded by him. If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the Company shall incur a penalty not exceeding forty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Copies of special resolutions.

54. Where Articles of Association have been registered, a copy of every special resolution for the time being in force shall be annexed to or embodied in every copy of the Articles of Association that may be issued after the passing of such resolution: where no Articles of Association have been registered, a copy of any special resolution shall be forwarded in print to any member requesting the same on payment of one rupee, or such less sum as the Company may direct. If any Company makes default in complying with the provisions of this Section, it shall incur a penalty not exceeding forty rupees for each copy in respect of which such default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Execution of deeds abroad.

55. Any Company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its Attorney, to execute deeds on its behalf in any place not situate in British India; and every deed signed by such Attorney, on behalf of the Company, and under his seal, shall be binding on the Company, and have the same effect as if it were under the common seal of the Company.

Examination of affairs of Company by Inspectors.

56. The Local Government may appoint one or more competent Inspectors to examine into the affairs of any Company under this Act, and to report thereon in such manner as the Local Government may direct upon the applications following; (that is to say)—

(1.) In the case of a Banking Company that has a capital divided into shares, upon the application of members holding not less than one-third part of the whole shares of the Company for the time being issued:

(2.) In the case of any other Company that has a capital divided into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued:

(3.) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the register of the Company as members.

Application for inspection to be supported by evidence.

57. The application shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same. The Local Government may also require the applicants to give security for payment of the costs of the inquiry before appointing any Inspector or Inspectors.

Inspection of books.

58. It shall be the duty of all Officers and Agents of the Company to produce for the examination of the Inspectors all books and documents in their custody or power. Any Inspector may examine upon oath or affirmation the Officers and Agents of the Company in relation to its business, and may administer such oath or affirmation accordingly. If any Officer or Agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each offence.

Result of examination how dealt with.

59. Upon the conclusion of the examination, the Inspectors shall report their opinions to the Local Government in Council. Such report shall be written or printed as the Local Government directs. A copy shall be forwarded by the Local Government to the registered Office of the Company, and a further copy shall, at the request of the members upon whose application the inspection was made, be delivered to them or to any one or more of them. All expenses of, and incidental to, any such examination as aforesaid shall be defrayed by the members upon whose application the Inspectors were appointed, unless the Local Government shall direct the same to be paid out of the assets of the Company, which the Local Government is hereby authorized to do.

Power of Company to appoint Inspectors.

60. Any Company under this Act may by a special resolution appoint Inspectors for the purpose of examining into the affairs of the Company. The Inspectors so appointed shall have the same powers and perform the same duties as Inspectors appointed by the Local Government, with this exception that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in general meeting directs. The Officers and Agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document hereby required to be produced to such Inspectors, or to answer any question as they would have incurred if such Inspector had been appointed by the Local Government.

Report of Inspectors to be evidence.

61. A copy of the report of any Inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding, as evidence of the opinion of the Inspectors in relation to any matter contained in such report.

Notices.

Service of notices on Company.

62. Any summons, notice, order, or other document required to be served upon the Company, may be served by leaving

the same, or sending it through the post by a registered letter addressed to the Company, at their registered Office; and any notice to the Registrar of Joint Stock Companies may be served by sending it to him through the post by a registered letter, or by delivering it to him, or by leaving it for him at his Office.

Rules as to notices by letter.

63. Any document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the Post Office.

Authentication of notices of Company.

64. Any summons, notice, order, or proceeding requiring authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Adjudication of offences and recovery of penalties under this Act.

65. All offences under this Act made punishable by any penalty may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act No. XIII of 1856, as amended by Act No. XLVIII of 1860, relating to the adjudication of fines and the enforcing payment thereof, shall apply to penalties imposed under this Act in the Towns of Calcutta, Madras, and Bombay, and Settlement of Prince of Wales' Island, Singapore, and Malacca.

Evidence of proceedings at meetings.

66. Every Company under this Act shall cause minutes of all resolutions and proceedings of general meetings of the Company and of the Directors or Managers of the Company in cases where there are Directors or Managers to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the Chairman of the meeting at which such resolutions were passed or proceedings had, or by the Chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings; and until the contrary is proved, every general meeting of the Company or meeting of Directors or Managers in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had, to have been duly passed and had, and all appointments of Directors, Managers, or Liquidators shall be deemed to be valid, and all acts done by such Directors, Managers, or Liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Provision as to costs in actions brought by certain limited Companies.

67. Where a limited Company is plaintiff in any suit, any Judge having jurisdiction in the matter may, if it appears by any credible testimony that there is reason to believe that if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Plaint in suits against members.

68. In any suit brought by the Company against any member to recover any call or other monies due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company, and is indebted to the Company in respect of a call made or other monies due whereby a suit has accrued to the Company.

Alteration of Forms.

Governor General in Council may alter forms in Schedule.

69. The forms set forth in the second Schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer. The Governor General of India in Council may from time to time make such alterations in the Tables and forms contained in the first Schedule hereto, so that he does not increase the amount of fees payable to the Registrar in the said Schedule mentioned, and in the forms in the second Schedule, or make such additions to the last mentioned forms as he deems requisite. Any such Table or form, when altered, shall be published in the *Gazette of India*, and upon such publication being made, such Table or form shall have the same force as if it were included in the Schedule to this Act, but no alteration made by the Governor General of India in Council in the Table marked A contained in the first Schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such Table.

Arbitrations.

Power for Companies to refer matters to arbitration.

70. Any Company under this Act may from time to time, by writing under its common seal, agree to refer and may refer to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies parties to the arbitration may delegate to the person or persons to whom the reference is made power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing body of such Companies.

Power to alter or revoke agreements for reference.

71. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter, or revoke any agreement for reference in accordance with this Act theretofore entered into between the Companies, or any of the terms, conditions, or stipulations thereof.

Agreements to be carried into effect.

72. Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the

Companies, and may and shall be carried into full effect.

Reference to Arbitrator.

73. Where the Companies agree, the reference shall be made to a single Arbitrator.

Reference to two or more Arbitrators.

74. Except where the Companies agree that the reference shall be made to a single Arbitrator, the reference shall be made as follows; to wit—

Where there are two Companies, the reference shall be made to two Arbitrators:

Where there are three or more Companies, the reference shall be made to so many Arbitrators as there are Companies.

Appointment of Arbitrators by Companies.

75. Where there are to be two or more Arbitrators, every Company shall, by writing under their common seal, appoint one of the Arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of Arbitrators by Local Government.

76. Where there are to be two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator; and the Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Companies to supply vacancies.

77. When the reference is made to two or more Arbitrators, if before the matters referred to them are determined, any Arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an Arbitrator in his place.

Appointment of Arbitrators by Local Government to supply vacancies.

78. Where the Company by which an Arbitrator ought to be appointed in the place of the Arbitrator so deceased, incapable, unfit, or failing to act, fails to make the appointment within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government may appoint an Arbitrator; and the Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrator not revocable.

79. When any appointment of an Arbitrator is made, the Company making the appointment shall have no power to revoke the appointment, without the previous consent in writing of the other Company, or every other Company in writing under their common seal.

Appointment of Umpire by Arbitrators.

80. Where two or more Arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their Umpire.

Appointment of Umpire by Local Government.

81. If the Arbitrators do not appoint an Umpire within seven days after the reference is made to the Arbitrators, then, on the application of the Companies, or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Arbitrators to supply vacancy.

82. Where two or more Arbitrators are appointed, if before the matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Umpire, the Arbitrators shall by writing under their hands appoint an impartial and qualified person to be their Umpire in his place.

Appointment of Umpire by Local Government to supply vacancy.

83. If the Arbitrators fail to appoint an Umpire within seven days after notice in writing to them of the decease, incapacity, unfitness, or failure to act of their Umpire, then, on the application of the Companies, or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Succeeding Arbitrators and Umpires to have powers of predecessors.

84. Every Arbitrator appointed in the place of a preceding Arbitrator, and every Umpire appointed in the place of a preceding Umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to Umpire.

85. Where there are two or more Arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the Arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their Umpire.

Power for Arbitrators, &c., to call for books, &c., and administer oath.

86. The Arbitrator, and the Arbitrators, and the Umpire, respectively, may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath or affirmation, and may administer the requisite oath or affirmation.

Procedure in the arbitration.

87. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respect-

ively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

88. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

Several awards may be made.

89. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred, and every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the Arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

90. The award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in writing under his or their respective hand or hands, and ready to be delivered to the Companies within such a time as the Companies agree on, or failing such agreement, within thirty days next after the matters in difference are referred to (as the case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

Power for Umpire to extend period for making his award.

91. Provided always that (except where and as the Companies otherwise agree) the Umpire, from time to time by writing under his hand, may extend the period within which his award is to be made; and if it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

92. No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

Awards to be obeyed.

93. Except only so far as the Companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted, or suffered shall be done, omitted, or suffered accordingly.

Agreements, arbitrations, and awards to have effect.

94. Full effect shall be given by the Courts according to their respective jurisdiction, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations, and awards in accordance with this Act; and the performance or observance thereof may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame for the purpose.

Costs of arbitration and award.

95. Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrator, and the Arbitrators and the Umpire respectively.

Payment of costs.

96. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares, and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

97. On the application of any party interested, the submission to any such arbitration may be filed in the High Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

PART IV.

WINDING UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

Meaning of contributory.

98. The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Act, in the event of the same being wound up: it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of liability of contributory.

99. The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made, as hereinafter mentioned, for enforcing such liability; and it shall be lawful in the case of the insolvency of any contributory to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

Contributories in case of death.

100. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs, and devisees shall be liable in a due course of administration to con-

tribute to the assets of the Company in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

101. If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding up, and shall be deemed to be contributories accordingly, and may be called upon to admit to prove against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law any monies due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding up by Court.

Circumstances under which Company may be wound up by Court.

102. A Company under this Act may be wound up by the Court as hereinafter defined, under the following circumstances; (that is to say)—

(1.) Whenever the Company has passed a special resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year:

(3.) Whenever the members are reduced in number to less than seven;

(4.) Whenever the Company is unable to pay its debts:

(5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

103. A Company under this Act shall be deemed to be unable to pay its debts—

(1.) Whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at their registered Office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of *three* weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor:

(2.) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor, in any proceeding instituted by such creditor against the Company, is returned unsatisfied in whole or in part:

(3.) Whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court."

104. The expression "the Court," as used in this part of this Act, shall mean the principal Court having original Civil jurisdiction in the place in which the registered Office of the Company is situate; unless in the regulations for the management of the Company, it shall be stipulated that the Company if wound up shall be wound up by the High Court of Judicature at Fort William, Madras or Bombay (as the case may be), or by the Chief Court of the Punjab, in which case the word 'Court' shall mean the said High Court or Chief Court (as the case may be) in the exercise of its original Civil jurisdiction.

Application for winding up to be made by petition.

105. Any application to the Court for the winding up of a Company under this Act may be made by the Company, or by any one or more creditor or creditors, contributory or contributories of the Company, or by all or any of the above parties together or separately; and every order which may be made on any such application shall operate in favour of all the creditors and all the contributories of the Company in the same manner as if it had been made upon the joint application of a creditor and a contributory.

Commencement of winding up by Court.

106. A winding up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding up.

Court may grant injunction.

107. The Court may, at any time after the presentation of a petition for winding up a Company under this Act, and before making an order for winding up the Company, upon the application of the Company, or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit. The Court may also at any time, after the presentation of such petition, and before the first appointment of liquidators, appoint provisionally an official liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing application.

108. Upon hearing the application, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order, or any other order that it deems just.

Actions and suits to be stayed after order for winding up.

109. When an order has been made for winding up a Company under this Act, no suit or other proceeding shall be proceeded with, or commenced against, the Company except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

110. When an order has been made for winding up a Company under this Act, a copy of such order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his books relating to the Company.

Power of Court to stay proceedings.

111. The Court may at any time after an order has been made for winding up a Company, upon the application by motion

of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee.

112. When an order has been made for winding up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

Court may have regard to wishes of creditors or contributories.

113. The Court may, as to all matters relating to the winding up, have regard to the wishes of the creditors or contributories, as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Official Liquidators.

Appointment of official liquidator.

114. For the purpose of conducting the proceedings in winding up a Company, and assisting the Court therein, there may be appointed a person or persons to be called an official liquidator or official liquidators; and the Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of official liquidator or official liquidators. In all cases if more persons than one are appointed to the office of official liquidator, the Court shall declare whether any act hereby required or authorized to be done by the official liquidator is to be done by all or any one or more of such persons. The Court may also determine whether any and what security is to be given by any official liquidator on his appointment. If no official liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

Resignations, removals, filling up vacancies, and compensation.

115. Any official liquidator may resign or be removed by the Court on due cause shown: And any vacancy in the office of an official liquidator appointed by the Court shall be filled by the Court. There shall be paid to the official liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and if more liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Style and duties of official liquidator.

116. The official liquidator or liquidators shall be described by the style of the official liquidator or official liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual name or names. He or they shall take into his or their custody, or under his or their control, all the property, effects, and things in action to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding up of the Company as may be imposed by the Court.

Powers of official liquidator.

117. The official liquidator shall have power with the sanction of the Court to do the following things:—

(1.) To bring or defend any suit, or prosecution, or other legal proceeding, Civil or Criminal, in the name and on behalf of the Company:

(2.) To carry on the business of the Company, so far as may be necessary, for the beneficial winding up of the same:

(3.) To sell the immoveable and moveable property, effects and things in action of the Company by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels:

(4.) To do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts, and other documents, and for that purpose to use, when necessary, the Company's seal:

(5.) To prove, rank, claim, and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency as a separate debt due from such insolvent, and rateably with the other separate creditors:

(6.) To draw, accept, make, and endorse any Bill of Exchange, Hundí or Promissory Note in the name and on behalf of the Company, also to raise upon the security of the assets of the Company from time to time any requisite sum or sums of money; and the drawing, accepting, making, or endorsing of every such Bill of Exchange, Hundí or Promissory Note as aforesaid on behalf of the Company shall have the same effect with respect to the liability of such Company as if such Bill, Hundí or Note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof:

(7.) To take out, if necessary, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act that may be necessary for obtaining payment of any monies due from a contributory or from his estate, and which act cannot be conveniently done in the name of the Company; and in all cases where he takes out letters of administration, or otherwise uses his official name for obtaining payment of any monies due from a contributory, such monies shall, for the purpose of enabling him to take out such letters or recover such monies, be deemed to be due to the official liquidator himself:

(8.) To do and execute all such other things as may be necessary for winding up the affairs of the Company and distributing its assets.

118. The Court may provide by any order that the official liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an official liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Discretion of official liquidator.

119. The official liquidator may, with the sanction of the Court, appoint an Attorney or Vakeel to assist him in the performance of his duties.

Appointment of Attorney to official liquidator.

Ordinary Powers of Court.

120. As soon as may be after making an order for winding up the Company, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where such rectification is required in pursuance of this Act, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities.

Collection and application of assets.

121. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or being liable to the debts of others.

Provision as to representative contributories.

122. The Court may, at any time after making an order for winding up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker, or agent, or Officer of the Company to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the Court directs, to or into the hands of the official liquidator, any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Power of Court to require delivery of property.

123. The Court may, at any time after making an order for winding up the Company, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any monies due from him or from the estate of the person whom he represents to the Company, exclusive of any monies which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this part of this Act; and it may, in making such order, when the Company is not limited, allow to such contributory by way of set-off any monies due to him or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profit. Provided that when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

Power of Court to order payment of debts by contributory.

124. The Court may, at any time after making an order for winding up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and it may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Courts to make calls.

125. The Court may order any contributory, purchaser or other person from whom money is due to the Company, to pay the same into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, or any branch thereof respectively, to the account of the official liquidator instead of to the official liquidator, and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Power of Court to order payment into Bank.

126. All monies, bills, notes, and other securities, paid and delivered into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, or any branch thereof respectively, in the event of a Company being wound up by the Court, shall be subject to such order and regulation for the keeping of the account of such monies and other effects, and for the payment and delivery in, or investment and payment and delivery out of, the same as the Court may direct.

Regulation of account with Court.

127. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the monies due.

Provision in case of representative contributory not paying monies ordered.

128. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons, and in all proceedings whatsoever.

Order conclusive evidence.

129. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court may exclude creditors not proving within certain time.

Court to adjust rights of contributories.

130. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to order costs.

131. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding up any Company in such order of priority as the Court thinks just.

Dissolution of Company.

132. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Registrar to make Minute of dissolution of Company.

133. Any order so made shall be reported by the official liquidator to the Registrar, who shall make a Minute accordingly in his books of the dissolution of such Company.

Penalty on not reporting dissolution of Company.

134. If the official liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Application for winding up to be *lispendens*.

135. Any application for winding up a Company by the Court under this Act shall constitute a suit pending within the terms of the sixth Section of the Code of Civil Procedure.

Extraordinary Powers of Court.

Power of Court to summon persons before it suspected of having property of Company.

136. The Court may, after it has made an order for winding up the Company, summon before it any Officer of the Company or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company. The Court may require any such Officer or person to produce any documents in his custody or power relating to the Company. If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended, and brought before the Court for examination. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding up to determine all questions relating to such lien.

Examination of parties by Court.

137. The Court may examine upon oath or affirmation, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid concerning the affairs, dealings, estate, or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Power to arrest contributory about to abscond or to remove or conceal any of his property.

138. The Court may, at any time before or after it has made an order for winding up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit British India or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Powers of Court cumulative.

139. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Enforcement of and Appeal from Orders.

Power to enforce orders.

140. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Order made in any Court to be enforced by other Courts.

141. Any order made by a Court for or in the course of the winding up of a Company under this Act shall be enforced in any part of British India other than that in which such Court is situate in the Court that would have had jurisdiction in respect of such Company if the registered Office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Mode of dealing with orders to be enforced by other Courts.

142. Where any order or decree made by one Court is required to be enforced by another Court, as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made, and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree in the same manner as if it were the order or decree of the Court enforcing the same.

Appeals from orders.

143. Re-hearings of and appeals from any order or decision made or given in the matter of the winding up of a Company by the Court may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of Appeal.

Judicial notice to be taken of signature of Officers.

144. In all proceedings under this part of this Act, every Court, Judge and person judicially acting, and all other Officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any Officer of any other Court and also of the official seal of any other Court when such seal is appended to any document made, issued, or signed under the provisions of this part of the Act, or any official copy thereof.

Special Commissioners for receiving evidence.

145. The Judges of the District Courts who sit at places more than twenty English miles from the usual place of sitting of the High Court shall be Commissioners for the purpose of taking evidence under this Act in cases where any Company is wound up in a High Court, and it shall be lawful for the High Court to refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding up the Company. Every such Commissioner shall, in addition to any power of summoning and examining witnesses, and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses and requiring the production or delivery of documents and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

146. If any affidavit, affirmation, or declaration required to be sworn or made, under the provisions or for the purposes of this part of this Act, be lawfully sworn or made in British India, or in Great Britain or Ireland, or in any Colony, Island, Plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge, or person lawfully authorized to take and receive affidavits, affirmations, or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners, and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul attached, appended, or subscribed to any such affidavit, affirmation, or declaration, or to any other document to be used for the purposes of this part of this Act.

Voluntary Winding up of Company.

Circumstances under which Company may be wound up voluntarily.

147. A Company under this Act may be wound up voluntarily—

(1.) Whenever the period, if any, fixed for the duration of the Company by the Articles of Association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in general meeting has passed a resolution requiring the Company to be wound up voluntarily:

(2.) Whenever the Company has passed a special resolution requiring the Company to be wound up voluntarily:

(3.) Whenever the Company has passed an extraordinary resolution to the effect that it has been proved to their satisfaction that the Company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same:

For the purpose of this Act any resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a special resolution as hereinbefore defined.

Commencement of voluntary winding up.

148. A voluntary winding up shall be deemed to commence at the time of the passing of the resolution authorizing such winding up.

Effect of voluntary winding up on status of Company.

149. Whenever a Company is wound up voluntarily, the Company shall, from the date of the commencement of such winding up, cease to carry on its business except in so far as may be required for the beneficial winding up thereof; and all transfers of shares except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the Company taking place after the commencement of such winding up shall be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its regulations, continue until the affairs of the Company are wound up.

Notice of Resolution to wind up voluntarily.

150. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by advertisement in the local Official Gazette and also in some newspaper (if any) circulating in the place where the registered Office of the Company is situate.

Consequences of voluntary winding up.

151. The following consequences shall ensue upon the voluntary winding up of a Company :—

(1.) The property of the Company shall be applied in satisfaction of its liabilities *pari passu* and subject thereto shall, unless it be otherwise provided by the regulations of the Company, be distributed amongst the members according to their rights and interests in the Company :

(2.) Liquidators shall be appointed for the purpose of winding up the affairs of the Company and distributing the property :

(3.) The Company in general meeting shall appoint such persons or person as it thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or him :

(4.) If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him :

(5.) Upon the appointment of liquidators, all the powers of the Directors shall cease, except in so far as the Company in general meeting or the liquidators may sanction the continuance of such powers :

(6.) When several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two :

(7.) The liquidators may, without the sanction of the Court, exercise all powers by this Act given to the official liquidators :

(8.) The liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories :

(9.) The liquidators may at any time after the passing of the resolution for winding up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories to the extent of their liability to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges, and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same :

(10.) The liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves.

Effect of winding up on share-capital of Company limited by guarantee.

152. Where a Company limited by guarantee, and having a capital divided into shares, is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the liquidators.

Power of Company to delegate authority to appoint liquidators.

153. A Company about to be wound up voluntarily, or in the course of being wound up voluntarily may, by an extraordinary resolution, delegate to its creditors, or to any Committee of its creditors, the power of appointing liquidators or any of them, and supplying any vacancies in the appointment of liquidators, or may by a like resolution enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised; and any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Arrangement when binding on creditors.

154. Any arrangement entered into between a Company about to be wound up voluntarily, or in the course of being wound up voluntarily, and its creditors shall be binding on the Company if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Power of creditor or contributory to appeal.

155. Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon as it thinks just amend, vary, or confirm the same.

Power for liquidators or contributories in voluntary winding up to apply to Court.

156. Where a Company is being wound up voluntarily, the liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding up, or to exercise as respects the enforcing of calls or in respect of any other matter all or any of the powers which the Court might exercise if the Company were being wound up by the Court, and the Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power of liquidators to call general meeting.

157. Where a Company is being wound up voluntarily, the liquidators may, from time to time during the continuance of such winding up, summon general meetings of the Company for the purpose of obtaining the sanction of the Company by special resolution or extraordinary resolution or for any other purposes they think fit. In the event of the winding up continuing for more than one year, the liquidators shall summon a general meeting of the Company at the end of the first year, and of each succeeding year from the commencement of the winding up, or as soon thereafter as may be con-

venient, and shall lay before such meeting an account showing their acts and dealings and the manner in which the winding up has been conducted during the preceding year.

Power to fill up vacancy in liquidators.

158. If any vacancy occurs in the office of liquidators appointed by the Company, by death, resignation, or otherwise, the Company in general meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing liquidator, if any, or by any contributory of the Company, be determined by the Court.

Power of Court to appoint liquidators.

159. If from any cause whatever, there is no liquidator acting in the case of a voluntary winding up, the Court may, on the application of a contributory, appoint a liquidator or liquidators. The Court may also, on due cause shown, remove any liquidator and appoint another liquidator to act in the matter of a voluntary winding up.

Liquidators on conclusion of winding up to make up an account.

160. As soon as the affairs of the Company are fully wound up, the liquidators shall make up an account showing the manner in which such winding up has been conducted, and the property of the Company disposed of; and thereupon they shall call a general meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators. The meeting shall be called by advertisement, specifying the time, place, and object of such meeting, and such advertisement shall be published one month at least previously to the meeting in the manner specified in Section 150.

Liquidators to report meeting to Registrar.

161. The liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held, and on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved. If the liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Costs of voluntary liquidation.

162. All costs, charges and expenses properly incurred in the voluntary winding up of a Company, including the remuneration of the liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Saving of rights of creditors.

163. The voluntary winding up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding up.

Power of Court to adopt proceedings of voluntary winding up.

164. Where a Company is in course of being wound up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding up.

Winding up subject to the Supervision of the Court.

Power of Court, on application, to direct winding up, subject to supervision.

165. When a resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding up should continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories, or others, to apply to the Court, and generally upon such terms and subject to such conditions as the Court thinks just.

Petition for winding up subject to supervision.

166. A petition praying wholly or in part that a voluntary winding up should continue, but subject to the supervision of the Court, and which winding up is hereinafter referred to as a winding up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up the Company by the Court.

Court may have regard to wishes of creditors.

167. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the supervision of the Court, in the appointment of liquidator or liquidators, and in all other matters relating to the winding up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard shall be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Power to Court to appoint additional liquidators in winding up subject to supervision.

168. Where any order is made by the Court for a winding up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional liquidator or liquidators; and any liquidators so appointed by the Court shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if they had been appointed by the Company. The Court may from time to time remove any liquidators so appointed by the Court, and fill up any va-

cancy occasioned by such removal, or by death or resignation.

Effect of order of Court for winding up subject to supervision.

169. Where an order is made for a winding up subject to the supervision of the Court, the liquidators appointed to conduct such winding up may, subject to any restrictions imposed by the Court, exercise all their powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily; but, save as aforesaid, any order made by the Court for a winding up subject to the supervision of the Court, shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the Company altogether by the Court; and in the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the official liquidators, the expression official liquidators shall be deemed to mean the liquidators conducting the winding up subject to the supervision of the Court.

Appointment in certain cases of voluntary liquidators to office of official liquidators.

170. Where an order has been made for the winding up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order, or in any subsequent order, appoint the voluntary liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other persons to be official liquidators.

Supplemental Provisions.

Dispositions after the commencement of the winding up avoided.

171. Where any Company is being wound up by the Court or subject to the supervision of the Court, all dispositions of the property, effects and things in action of the Company, and every transfer of shares, or alteration in the status of the members of the Company made between the commencement of the winding up and the order for winding up, shall, unless the Court otherwise orders, be void.

The books of the Company to be evidence.

172. Where any Company is being wound up, all books, accounts and documents of the Company and of the liquidators shall, as between the contributories of the Company, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

As to disposal of books, accounts, and documents of the Company.

173. Where any Company has been wound up under this Act and is about to be dissolved, the books, accounts, and documents of the Company and of the liquidators may be disposed of in the following way; that is to say, where the Company has been wound up by or subject to the supervision of the Court, in such way as the Court directs, and where the Company has been wound up voluntarily, in such way as the Company by an extraordinary resolution directs. But after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company, or the liquidators, or any one to whom the custody of such books, accounts, and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of books.

174. Where an order has been made for winding up a Company by the Court, or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories, in conformity with the order of the Court, but not further or otherwise.

General scheme of liquidation may be sanctioned.

175. The liquidators may, with the sanction of the Court, where the Company is being wound up by the Court, or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the liquidators may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

Power to compromise.

176. The liquidators may, with the sanction of the Court, where the Company is being wound up by the Court, or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist between the Company and any contributory, or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding up of the Company, generally upon such terms as may be agreed upon, with power for the liquidators to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Power for liquidators to accept shares, &c., as a consideration for sale of property of Company.

177. Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the liquidators of the first mentioned Company may, with the sanction of a special resolution of the Company by whom they were appointed, conferring either a general authority on the liquidators, or an author-

ity in respect of any particular arrangement, receive in compensation or part compensation for such transfer or sale, shares, policies, or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members of the Company being wound up may, in lieu of receiving cash, shares, policies, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing Company; and any sale made or arrangement entered into by the liquidators in pursuance of this Section shall be binding on the members of the Company being wound up; subject to this proviso that, if any member of the Company being wound up who has not voted in favour of the special resolution passed by the Company of which he is a member at either of the meetings held for passing the same expresses his dissent from any such special resolution in writing addressed to the liquidators or one of them, and left at the registered Office of the Company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer; that is to say, either to abstain from carrying such resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned, such purchase money to be paid before the Company is dissolved, and to be raised by the liquidators in such manner as may be determined by special resolution. No special resolution shall be deemed invalid for the purposes of this Section by reason that it is passed antecedently to or concurrently with any resolution for winding up the Company, or for appointing liquidators; but if an order be made within a year for winding up the Company by or subject to the supervision of the Court, such resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

178. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration, under the provisions contained in the Code of Civil Procedure regarding arbitration between the parties to a suit, so far as such provisions are applicable.

Certain attachments, distresses and executions to be void.

179. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment or execution put in force against the estate or effects of the Company after the commencement of the winding up shall be void.

Fraudulent preference.

180. Any such conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, as would, if made or done by or against any individual trader, be deemed in the event of his insolvency to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly; and, for the purposes of this Section, the making of an application for winding up a Company shall, in the case of a Company being wound up by the Court or subject to the supervision of the Court, and a resolution for winding up the Company shall, in the case of a voluntary winding up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Act of all its estate and effects to trustees for the benefit of all its creditors shall be void.

Power of Court to assess damages against delinquent Directors and Officers.

181. Where in the course of the winding up of any Company under this Act, it appears that any past or present Director, Manager, official or other liquidator, or any Officer of such Company, has misapplied or retained in his own hands or become liable or accountable for any monies of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any liquidator, or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such Director, Manager or other Officer, and compel him to repay any monies so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misapplication, retainer, misfeasance or breach of trust, as the Court thinks just.

Penalty on falsification of books.

182. If any Director, Officer, or contributory of any Company wound up under this Act, secretes, destroys, mutilates, alters, or falsifies any books, papers, writings, or securities, or makes or is privy to the making of any false or fraudulent entry in any Register, book of account, or other document belonging to the Company with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment of either description as defined in the Indian Penal Code, for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Prosecution of delinquent Directors in the case of winding up by Court.

183. Where any order is made for winding up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding up that any past or present Director, Manager, Officer, or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding up, or of its own motion, direct the official liquidators, or the liquidators (as the case may be), to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the Company.

Penalty of perjury.

184. If any person, upon any examination upon oath or affirmation authorized under this Act, or in any affidavit, deposi-

tion, or solemn affirmation in or about the winding up of any Company under this Act, or otherwise in or about any matter arising under this Act, *intentionally* gives false evidence, he shall, upon conviction, be liable to the punishment provided by Section 193 of the Indian Penal Code for the offence of intentionally giving false evidence in a stage of a judicial proceeding.

Power of High Court to make Rules.

185. The High Court may, as often as circumstances require, make such rules concerning the mode of proceeding to be had for winding up a Company in such Court and in the Courts subordinate thereto, as may from time to time seem necessary and as may be consistent with the other provisions of this Act and with the Code of Civil Procedure; but until such rules are made, the general practice of the Court including the practice hitherto in use in winding up Companies shall, so far as the same is applicable and not inconsistent with this Act, apply to all proceedings for winding up a Company.

Power of High Court to make rules.

PART V.

Registration Office.

186. The Registration of Companies under this Act shall be conducted as follows; (that is to say)—

Constitution of Registration Office.

(1.) The Local Government may, after the sanction of the Governor General of India in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, Clerks, and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(2.) The Local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, Clerks, and servants as aforesaid:

(3.) The Local Government may from time to time determine the places at which Offices for the registration of Companies are to be established, so that there be at all times maintained in each of the three Presidency Towns of Calcutta, Madras and Bombay at least one such Office, and that no Company shall be registered except at an Office within that part of British India in which by the Memorandum of Association the registered Office of the Company is declared to be established:

(4.) The Local Government may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies:

(5.) Every person may inspect the documents kept by the Registrar of Joint Stock Companies; and there shall be paid for such inspection such fees as may be appointed by the Local Government not exceeding one rupee for each inspection; and any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar; and there shall be paid for such certificate of incorporation, certified copy, or extract, such fees as the Local Government may appoint, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas for each hundred words of such copy or extract:

(6.) The existing Registrar, Assistant Registrars, Clerks, and other officers and servants in the Office for the Registration of Joint Stock Companies shall, during the pleasure of the Local Government, hold the offices and receive the salaries hitherto held and received by them, but they shall in the execution of their duties conform to any regulations that may be issued by the Local Government:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or servant that may hereafter be employed in the registration of Joint Stock Companies, such salary as the Local Government may, with the sanction of the Governor General of India in Council, direct:

(8.) Whenever any act is herein directed to be done to or by the Registrar of Joint Stock Companies, such act shall, until the Local Government otherwise directs, be done to or by the existing Registrar of Joint Stock Companies, or in his absence to or by such person as the Local Government may for the time being authorize; but in the event of the Local Government altering the constitution of the existing Registry Office, such act shall be done to or by such Officer or Officers and at such place or places with reference to the local situation of the registered Offices of the Companies to be registered as the Local Government may appoint.

PART VI.

Application of Act to Companies registered under the Joint Stock Companies' Acts.

187. Subject as hereinafter mentioned, this Act, with the exception of Table A in the first Schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No. VII of 1860 or either of them, in the same manner in the case of a limited Company as if such Company had been formed and registered under this Act as a Company limited by shares; and in the case of a Company other than a limited Company, as if such Company had been formed and registered as an unlimited Company under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by special resolution given by this Act shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in the Table marked B annexed to Act No. XIX of 1857, and shall also, in the case of an unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding such regulations are contained in the Memorandum of Association.

Application of Act to Companies formed under Acts XIX of 1857 and VII of 1860.

188. This Act shall apply to Companies registered but not formed under the said Acts or either of them in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Act, with this qualification that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Application of Act to Companies registered under Joint Stock Companies' Acts.

189. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

Mode of transferring shares.

PART VII.

Companies authorized to register under this Act.

190. With the exceptions made in the next following Section, and subject to the regulations therein contained, every Company existing at the time of the commencement of this Act, including any Company registered under either of the said Acts, consisting of seven or more members, and any Company hereafter formed in pursuance of any Act of Parliament, or Act of the Governor General of India in Council other than this Act, or of Letters Patent, or being otherwise duly constituted by law and consisting of seven or more members, may at any time hereafter register itself under this Act as an unlimited Company, or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Companies capable of being registered.

191. The following regulations shall be observed with respect to the registration of Companies under this part of this Act: (that is to say)—

Regulations as to registration of existing Companies.

(1.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, and not being a Joint Stock Company as hereinafter defined, shall register under this Act in pursuance of this part thereof:

(2.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, shall register under this Act in pursuance of this part thereof as an unlimited Company, or as a Company limited by guarantee:

(3.) No Company that is not a Joint Stock Company as hereinafter defined, shall in pursuance of this part of this Act register under this Act as a Company limited by shares:

(4.) No Company shall register under this Act in pursuance of this part thereof unless an assent to its so registering is given by a majority of such of its members as may be present, personally, or by proxy in cases where proxies are allowed by the regulations of the Company, at some general meeting summoned for the purpose:

(5.) Where a Company not having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, is about to register as a limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned general meeting:

(6.) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges, and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

In computing any majority under this Section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

192. For the purposes of this part of this Act, so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons; and such Company when registered with limited liability under this Act shall be deemed to be a Company limited by shares.

Definition of Joint Stock Company.

193. Previously to the registration, in pursuance of this part of this Act, of any Joint Stock Company, there shall be delivered to the Registrar the following documents: (that is to say)—

Requisitions for registration by Companies.

(1.) A list showing the names, addresses, and occupations of all persons who on a day named in such list, and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by its number:

(2.) A copy of any Act of Parliament or Act of the Governor General of India in Council, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnery, or other instrument constituting or regulating the Company:

(3.) If any such Joint Stock Company is intended to be registered as a limited Company, the above list and copy shall be accompanied by a

statement specifying the following particulars; that is to say—

The nominal capital of the Company and the number of shares into which it is divided:

The number of shares taken and the amount paid on each share:

The name of the Company, with the addition of the word "Limited" as the last word thereof:

With the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of the guarantee.

Requisitions for registration by existing Company not being a Joint Stock Company.

194. Previously to the registration, in pursuance of this part of this Act, of any Company not being a Joint Stock Company, there shall be delivered to the Registrar a list showing the names, addresses, and occupations of the Directors or other Managers (if any) of the Company, also a copy of any Act of Parliament, Act of the Governor General of India in Council, Letters Patent, Deed of Settlement, Contract of Copartnery, or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of guarantee.

Power for existing Company to register amount of stock instead of shares.

195. Where a Joint Stock Company authorized to register under this Act has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement not more than six clear days before the day of registration.

Authentication of statements of existing Companies.

196. The lists of Members and Directors and any other particulars relating to the Company hereby required to be delivered to the Registrar, shall be verified by declaration of the Directors of the Company delivering the same, or any two of them, or of any two other principal Officers of the Company made before a Justice of the Peace or a District Judge.

Registrar may require evidence as to nature of Company.

197. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or is not a Joint Stock Company as hereinbefore defined.

On registration of Banking Company with limited liability, notice to be given to customers.

198. Every Banking Company existing at the date of the passing of this Act which registers itself as a limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and partnership firm who have a banking account with the Company. Such notice shall be given either by delivering the same to such person or firm, or leaving the same or putting the same into the post addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company. In case the Company omits to give any such notice as is hereinbefore required to be given, then as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Exemption of certain Companies from payment of fees.

199. No fees shall be charged in respect of the registration in pursuance of this part of this Act of any Company in cases where such Company is not registered as a limited Company, or where, previously to its being registered as a limited Company, the liability of the shareholders was limited by some Act of Parliament, or Act of the Governor General of India in Council, or by Letters Patent.

Power to Company to change name.

200. Any Company authorized by this part of this Act to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "Limited."

Certificate of registration of existing Companies.

201. Upon compliance with the requisitions in this part of this Act contained with respect to registration, and on payment of such fees, if any, as are payable under the Tables marked B and C in the first Schedule hereto, the Registrar shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal with power to hold lands.

Certificate to be evidence of compliance with Act.

202. A certificate of incorporation given at any time to any Company registered in pursuance of this part of this Act shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a limited or unlimited Company, as the case may be, and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Act.

Transfer of property to Company.

203. All such property, moveable and immoveable, including all interests and rights in, to, and out of property, moveable and immoveable, and including obligations and things in action, as may belong to or be vested in the Company at the date of its registration under

this Act, shall, on registration, pass to and vest in the Company as incorporated under this Act for all the estate and interest of the Company therein.

Registration under this Act not to affect obligations incurred previously to registration.

204. The registration in pursuance of this part of this Act of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with, or on behalf of such Company previously to such registration.

Continuation of existing suits.

205. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this part of this Act have been commenced by or against such Company, or the public officer or any member thereof, may be continued in the same manner as if such registration had not taken place. Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding up the Company.

Effect of registration under Act.

206. When a Company is registered under this Act in pursuance of this part thereof, all provisions contained in any Act of Parliament, Act of the Governor General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent, or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered Memorandum of Association and Articles of Association; and all the provisions of this Act shall apply to such Company and the members, contributories, and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject to the provisions following; (that is to say)—

(1.) That Table A in the first Schedule to this Act shall not, unless adopted by special resolution, apply to any Company registered under this Act in pursuance of this part thereof:

(2.) That the provisions of this Act relating to the numbering of shares shall not apply to any Joint Stock Company whose shares are not numbered:

(3.) That no Company shall have power to alter any provision contained in any Act of Parliament, Act of the Legislative Council or Act of the Governor General of India in Council relating to the Company:

(4.) That no Company shall have power, without the sanction of the Governor General of India in Council, to alter any provision contained in any Letters Patent relating to the Company:

(5.) That in the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company, so far as relates to such debts or liabilities as aforesaid; and every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding up, all sums due from him in respect of any such liability as aforesaid, and in the event of the death or insolvency of any such contributory as last aforesaid, or marriage of any such contributory being a female, the provisions hereinbefore contained with respect to the representatives, heirs, and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, and to the husbands of married contributories, shall apply:

(6.) That nothing herein contained shall authorize any Company to alter any such provisions contained in any Deed of Settlement, contract of Copartnery, Letters Patent, or other instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the Memorandum of Association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Act in pursuance of this part thereof by virtue of any Act of Parliament, Act of the Governor General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent, or other instrument constituting or regulating the Company.

Powers of Court to restrain further proceedings.

207. The High Court may, at any time after the presentation of a petition for winding up a Company registered in pursuance of this part of this Act, and before making an order for winding up the Company, upon the application by motion of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding up Company.

208. Where an order has been made for winding up a Company registered in pursuance of this part of the Act, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the High Court and subject to such terms as the Court may impose.

PART VIII.

Application of Act to unregistered Companies.

Winding up of unregistered Companies.

209. Subject as hereinafter mentioned, any partnership, association, or Company, except Railway Companies incorporated by Act of Parliament or Act of the Governor General of India in Council, consisting of more than seven members, and not registered under this Act, and hereinafter included under the term unregistered Company, may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to such Company, with the following exceptions and additions:—

(1.) An unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding up, be deemed to be registered in that part of British India where its principal place of business is situate; or if it has a principal place of business situate in more than one part of British India, then in each part of British India where it has a principal place of business; moreover, the principal place of business of an unregistered Company, or (where it has a principal place of business situate in more than one part of British India) such one of its principal places of business as is situate in that part of British India in which proceedings are being instituted, shall, for all the purposes of the winding up of such Company, be deemed to be the registered Office of the Company.

(2.) No unregistered Company shall be wound up under this Act voluntarily, or subject to the supervision of the Court.

(3.) The circumstances under which an unregistered Company may be wound up are as follows, (that is to say)—

(*a.*) Whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;

(*b.*) Whenever the Company is unable to pay its debts;

(*c.*) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up;

(4.) An unregistered Company shall, for the purposes of this Act, be deemed to be unable to pay its debts.

(*a.*) Whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company, or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor:

(*b.*) Whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due, or claimed to be due, from the Company, or from him in his character of member of the Company, and notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the Secretary, or some Director, Manager or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not within ten days after service of such notice paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suit or other legal proceeding, and against all costs, damages, and expenses to be incurred by him by reason of the same:

(*c.*) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied:

(*d.*) Whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts.

Who to be deemed a contributory in the event of Company being wound up.

210. In the event of an unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges, and expenses of winding up the Company, and every such contributory shall be liable to contribute to the assets of the Company in the course of the winding up all sums due from him in respect of any such liability as aforesaid; but in the event of the death or insolvency of any contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Power of Court to restrain further proceedings.

211. The Court may, at any time after the making of an application for winding up an unregistered Company, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Effect of order for winding up unregistered Company.

212. Where an order has been made for winding up an unregistered Company in addition to the provisions hereinbefore contained in the case of Companies formed under this Act, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court, and subject to such terms as the Court may impose.

Provision in case of unregistered Company.

213. If any unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding up such Company, or by any subsequent order, direct that all such property, real and personal, including all interests, claims, and rights into and out of property, real and personal, and including things in action, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company or any part of such property, is to vest in the official liquidator or official liquidators by his or their official name or names, and thereupon the same or such part thereof as may be specified in the order shall vest accordingly, and the official liquidator or official liquidators may, in his or their official name or names, or in such name or names, and after giving such indemnity as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding up the Company and recovering the property thereof.

Provisions in this part of Act cumulative.

214. The provisions made by this part of this Act with respect to unregistered Companies shall be deemed to be made in addition to and not in restriction of any provisions hereinbefore contained with respect to winding up Companies by the Court, and the Court or official liquidator may, in addition to any thing contained in this part of this Act, exercise any powers or do any act in the case of unregistered Companies which might be exercised or done by it or him in winding up Companies formed under this Act; but an unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the extent provided by this part of this Act.

PART IX.

Repeal of Acts and temporary Provisions.

Repeal of Acts.

215. After the commencement of this Act, there shall be repealed the several Acts specified in the third schedule hereto.

Saving Clause as to repeal.

216. No repeal hereby enacted shall affect—

(1.) Any thing duly done under any Acts hereby repealed:

(2.) The incorporation of any Company registered under any Act hereby repealed:

(3.) Any right or privilege acquired or liability incurred under any Act hereby repealed:

(4.) Any penalty, forfeiture, or other punishment incurred in respect of any offence against any Act hereby repealed:

(5.) Table B in the Schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Act.

Construction of "Registrar of Joint Stock Companies" in Act XXI of 1860.

217. In Sections 1 and 18 of Act No. XXI of 1860 (*for the registration of Literary, Scientific and Charitable Societies*) the words "Registrar" of Joint Stock Companies shall be construed to mean Registrar of Joint Stock Companies under this Act or any Act for the time being in force.

Saving of existing proceedings for winding up.

218. Where previously to the commencement of this Act an order has been made for winding up a Company under any Acts or Act hereby repealed, or a resolution has been passed for winding up a Company voluntarily, such Company shall be wound up in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such winding up, such repealed Acts or Act shall be deemed to remain in full force.

Saving of Conveyance Deeds.

219. Where previously to the commencement of this Act any conveyance, mortgage, or other deed has been made in pursuance of any Act hereby repealed, such deed shall be of the same force as if this Act had not passed, and for the purposes of such deed, such repealed Act shall be deemed to remain in full force.

Compulsory registration of certain Companies.

220. Every Company required by any Act hereby repealed to register under the said Acts, or either of them, and which has not so registered, shall, on or before the expiration of the thirty-first day from the commencement of this Act, register itself as a Company under this Act, in manner and subject to the regulations hereinbefore contained. No fees shall be charged in respect of the registration of any Company required to register by this Section.

Penalty on Company not registering.

221. If any Company required by the last Section to register under this Act makes default in complying with the provisions thereof, then, from and after the day upon which such Company is required to register under this Act, until the day on which such Company is registered under this Act (which it is empowered to do at any time), the following consequences shall ensue, (that is to say)—

(1.) The Company shall be incapable of suing, but shall not be incapable of being made a defendant to a suit:

(2.) No dividend shall be payable to any shareholder in such Company:

(3.) Each Director or Manager of the Company shall for each day during which the Company so being in default carries on business incur a penalty not exceeding one hundred rupees, and such penalty may be recovered by any person, whether a shareholder or not, in the Company, and be applied by him to his own use.

Nevertheless, such default shall not render the Company so being in default illegal, nor subject it to any penalty or disability other than as specified in this Section, and registration under this Act shall cancel any penalty or forfeiture, and put an end to any disability which any Company may

have incurred by reason of its not having registered under the said Act XIX of 1857.

Temporary power for Companies to change registered Office.

222. Upon the application of the Directors of any Company registered under the said Acts of 1857 and 1860, or either of them, made within one year after the date of the commencement of this Act, sanctioned by a resolution passed at an Extraordinary General Meeting, but subject to the restrictions hereinafter mentioned, the Governor General of India in Council shall have authority by his certificate in writing signed by one of the Secretaries to the Government of India to change the registered Office of any such Company from any one part of British India to any other part thereof. The Registrar of Joint Stock Companies with whom the Memorandum of Registration of such Company has been registered shall, upon receipt of such certificate, note in writing upon the margin or at the foot of the said memorandum the name of the place to which such registered Office is to be transferred, and the day upon which such transfer is, pursuant to such certificate, to take place, and shall attach the certificate to the memorandum, and the said Registrar shall thereupon transmit to the Registrar of Joint Stock Companies for that part of British India to which the registered Office is to be so transferred, copies of the said certificate and of the said Memorandum of Registration so noted certified by him. The said Registrar for the said last-mentioned part of British India shall, upon receipt of such copies of certificate and memorandum, retain and register the same in like manner, and on payment of the like fees to him as provided in the case of the registration of an original Memorandum of Registration, and thereupon the place of the registered Office shall, from the said last-mentioned registration, and the said day mentioned in the said certificate, be the place mentioned as such on the said certificate: Provided, however, that such change shall in no wise alter or affect any thing theretofore done by the said Company or any of their rights or liabilities in respect thereof.

Restrictions on issue of certificate.

223. The Governor General of India in Council shall not issue his certificate in pursuance of the foregoing Section until he is satisfied that an advertisement of the intention of the Company to apply to him for a certificate, with a declaration that all parties objecting thereto are forthwith to apply to the Governor General of India in Council has been published once at the least in each of four successive weeks in the local Gazette, nor until the Governor General of India in Council is satisfied that the objections, if any, that may be urged against the issue of such certificate, are groundless.

Act not to apply to Banks of Bengal, Madras, or Bombay.

224. Nothing in this Act shall affect Act VI of 1839 (*relating to the Bank of Bengal*), Act III of 1840 (*for the incorporation of a Bank at Bombay*), or Act IX of 1843 (*for the incorporation of a Bank at Madras*), or shall be deemed to apply to the several Banks of Bengal, Madras, and Bombay, incorporate by the said Acts respectively.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

(1.) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2.) Every member shall, on payment of eight annas or such less sum as the Company in general meeting may prescribe, be entitled to a certificate, under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3.) If such certificate is worn out or lost, it may be renewed, on payment of eight annas or such less sum as the Company in general meeting may prescribe.

Calls on Shares.

(4.) The Directors may from time to time make such calls upon the members in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Directors.

(5.) A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed.

(6.) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7.) The Directors may, if they think fit, receive from any member willing to advance the same all or any part of the monies due upon the shares held by him beyond the sums actually called for; and upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the Directors agree upon.

Transfers of Shares.

(8.) The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the register book in respect thereof.

(9.) Shares in the Company shall be transferred in the following form:—

I, A B, of in consideration of the sum of Rupees paid to me by C D of do hereby transfer to the said C D the share (or shares) numbered standing in my name in the books of the Company, to hold unto the said C D his executors, administrators, and assigns, subject to

the several conditions on which I held the same at the time of the execution hereof; and I, the said C D, do hereby agree to take the said share (or shares) subject to the same conditions. As witness our hands, the day of

(10.) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11.) The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year.

Transmission of Shares.

(12.) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13.) Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the Company.

(14.) Any person who has become entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16.) The instrument of transfer shall be presented to the Company, accompanied with such evidence as the Directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17.) If any member fails to pay any call on the day appointed for payment thereof, the Directors may, at any time hereafter, during such time as the call remains unpaid, serve a notice on him, requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such non-payment.

(18.) The notice shall name a further day, on or before which such call, and all interest and expenses that have accrued by reason of such non-payment, are to be paid. It shall also name the place where payment is to be made (the place so named being either the registered Office of the Company or some other place at which calls of the Company are usually made payable). The notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made, will be liable to be forfeited.

(19.) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest, and expenses due in respect thereof has been made, be forfeited by a resolution of the Directors to that effect.

(20.) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in general meeting thinks fit.

(21.) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22.) A solemn declaration in writing, made before a Magistrate that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to a purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23.) The Directors may, with the sanction of the Company previously given in general meeting, convert any paid-up shares into stock.

(24.) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein, or any part of such interests, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25.) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the Company, and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase in Capital.

(26.) The Directors may, with the sanction of a special resolution of the Company previously given in general meeting, increase its capital by the issue of new shares, such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in general meeting directs, or, if no direction is given, as the Directors think expedient.

(27.) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the exist-

ing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given, that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

(28.) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29.) The first general meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place as the Directors may determine.

(30.) Subsequent general meetings shall be held at such time and place as may be prescribed by the Company in general meeting; and if no other time or place is prescribed, a general meeting shall be held on the first Monday in February in every year, at such place as may be determined by the Directors.

(31.) The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

(32.) The Directors may, whenever they think fit, and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an extraordinary general meeting.

(33.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(34.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene an extraordinary general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other members amounting to the required number, may themselves convene an extraordinary general meeting.

Proceedings at General Meetings.

(35.) Seven days' notice at the least, specifying the place, the day, and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(36.) All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at any ordinary meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets, and the ordinary report of the Directors.

(37.) No business shall be transacted at any general meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business; and such quorum shall be ascertained as follows: that is to say, if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed twenty.

(38.) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of Members, shall be dissolved: In any other case it shall stand adjourned to the same day in the next week, at the same time and place; and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die.*

(39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every general meeting of the Company.

(40.) If there is no such Chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the Members present shall choose some one of their number to be Chairman.

(41.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42.) At any general meeting, unless a poll is demanded by at least five Members, a declaration by the Chairman that a resolution has been carried and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(43.) If a poll is demanded by five or more Members it shall be taken in such manner as Chairman directs, and the result of such poll shall be deemed to be the resolution of the Company in General Meeting. In the case of an equality of votes at any general meeting the Chairman shall be entitled to a second or casting vote.

Votes of Members.

(44.) Every Member shall have one vote for every share up to ten: He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45.) If any Member is a lunatic or idiot he may vote by his Committee, or other legal Curator; and if any shareholder is a minor he may vote by his guardian, or any one of his guardians if more than one.

(46.) If one or more persons are jointly entitled to a share or shares, the Member whose name stands first in the Register of Members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47.) No Member shall be entitled to vote at any General Meeting unless all calls due from him have been paid, and no Member shall be entitled to vote in respect of any share that he has acquired by transfer at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48.) Votes may be given either personally or by proxy.

(49.) The instrument appointing a proxy shall be in writing, under the hand of the appointer, or if such appointer is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a Member of the Company.

(50.) The instrument appointing a proxy shall be deposited at the registered Office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51.) Any instrument appointing a proxy shall be in the following form:—

Company Limited.

I of being a Member of the Company Limited, and entitled to vote or votes, hereby appoint of as my proxy, to vote for me and on my behalf at the (Ordinary *or* Extraordinary, *as the case may be*) General Meeting of the Company to be held on the day of , and at any adjournment thereof (*or*, at any meeting of the Company that may be held in the year). As witness my hand, this day of

Signed by the said in the presence of

Directors.

(52.) The number of the Directors, and the names of the first Directors, shall be determined by the subscribers of the Memorandum of Association.

(53.) Until Directors are appointed the subscribers of the Memorandum of Association shall be deemed to be Directors.

(54.) The future remuneration of the Directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the Company in general meeting.

Powers of Directors.

(55.) The business of the Company shall be managed by the Directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise all such powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in general meeting, subject nevertheless to any regulations of these Articles, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Company in general meeting; but no regulation made by the Company in general meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

(56.) The continuing Directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57.) The office of Director shall be vacated:—

If he holds any other office or place of profit under the Company:

If he becomes bankrupt or insolvent:

If he is concerned in or participates in the profits of any contract with the Company:

But the above rules shall be subject to the following exceptions: That no Director shall vacate his office by reason of his being a Member of any Company which has entered into contracts with or done any work for the Company of which he is Director; nevertheless he shall not vote in respect of such contract or work; and if he does so vote his vote shall not be counted.

Rotation of Directors.

(58.) At the first ordinary meeting after the registration of the Company the whole of the Directors shall retire from office; and at the first ordinary meeting in every subsequent year one-third of the Directors for the time being, or if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59.) The one-third or other nearest number to retire during the first and second years ensuing the first ordinary meeting of the Company shall, unless the Directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60.) A retiring Director shall be re-eligible.

(61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62.) If at any meeting at which an election of Directors ought to take place, the places of the vacating Directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

(63.) The Company may from time to time, in General Meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64.) Any casual vacancy occurring in the Board of Directors may be filled up by the Directors, but any person so chosen shall retain his

office so long only as the vacating Director would have retained the same if no vacancy had occurred.

(65.) The Company, in General Meeting, may, by a special resolution, remove any Director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The Directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the Chairman shall have a second or casting vote. A Director may at any time summon a meeting of the Directors.

(67.) The Directors may elect a Chairman of their meetings, and determine the period for which he is to hold office; but if no such Chairman is elected, or if at any meeting the Chairman is not present at the time appointed for holding the same, the Directors present shall choose some one of their number to be Chairman of such meeting.

(68.) The Directors may delegate any of their powers to Committees consisting of such member or members of their body as they think fit. Any Committee so formed shall, in the exercise of the powers so delegated, conform to any Regulations that may be imposed on it by the Directors.

(69.) A Committee may elect a Chairman of its meetings. If no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

(70.) A Committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and in case of an equality of votes the Chairman shall have a second or casting vote.

(71.) All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

Dividends.

(72.) The Directors may, with the sanction of the Company in General Meeting, declare a dividend to be paid to the members in proportion to their shares.

(73.) No dividend shall be payable except out of the profits arising from the business of the Company.

(74.) The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company, or any part thereof; and the Directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75.) The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76.) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared, may be forfeited by the Directors for the benefit of the Company.

(77.) No dividend shall bear interest as against the Company.

Accounts.

(78.) The Directors shall cause true accounts to be kept,

Of the stock in trade of the Company;

Of the sums of money received and expended by the Company, and the matter in respect of which such receipt and expenditure takes place; and

Of the credits and liabilities of the Company.

The books of account shall be kept at the registered Office of the Company, and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the inspection of the members during the hours of business.

(79.) Once at the least in every year the Directors shall lay before the Company in General Meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80.) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries, and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81.) A balance-sheet shall be made out in every year, and laid before the Company in General Meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arrranged under the heads appearing in the form annexed to this Table, or as near thereto as circumstances admit.

(82.) A printed copy of such balance sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83.) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance sheet ascertained by one or more auditor or auditors.

(84.) The first auditors shall be appointed by the Directors, subsequent auditors shall be appointed by the Company in General Meeting.

(85.) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86.) The auditors may be Members of the Company; but no person is eligible as an auditor who is interested otherwise than as a Member in any transaction of the Company; and no Director or other officer of the Company is eligible during his continuance in office.

(87.) The election of auditors shall be made by the Company at their ordinary meeting in such year.

(88.) The remuneration of the first auditors shall be fixed by the Directors; that of subsequent auditors shall be fixed by the Company in General Meeting.

(89.) Any auditor shall be re-eligible on his quitting office.

(90.) If any casual vacancy occurs in the office of any auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the purpose of supplying the same.

(91.) If no election of auditors is made in manner aforesaid, the Local Government may, on the application of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92.) Every auditor shall be supplied with a copy of the balance sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93.) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may in relation to such accounts, examine the Directors or any other Officer of the Company.

(94.) The auditors shall make a report to the Members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs; and in case they have called for explanations or information from the Directors, whether such explanations or information have or has been given by the Directors, and whether they or it have or has been satisfactory; and such report shall be read, together with the report of the Directors, at the ordinary meeting.

Notices.

(95.) A notice may be served by the Company upon any Member either personally or by sending it through the post in a letter addressed to such Member at his registered place of abode.

(96.) All notices directed to be given to the Members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the register of Members; and notice so given shall be sufficient notice to all the holders of such share.

(97.) Any notice if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service it shall be sufficient to prove that the letter containing the notices was properly addressed and put into the Post Office.

Dr. *Balance-sheet (a) of the* *Company made up to* 18 Cr.

	CAPITAL AND LIABILITIES.				PROPERTY AND ASSETS.				
		SHOWING;	Rs.	As.			SHOWING:	Rs.	As.
I. CAPITAL.	1	The number of shares			III. PROPERTY HELD BY THE COMPANY.	7	Immoveable property, distinguishing		
	2	The amount paid for share					(*a*) Freehold land		
	3	If any arrears of calls, the nature of the arrear, and the names of the defaulters					(*b*) „ Buildings		
	4	The particulars of any forfeited shares					(*c*) Leasehold „		
						8	Moveable property, distinguishing		
							(*d*) Stock in Trade		
							(*e*) Plant		
II. DEBTS AND LIABILITIES OF THE COMPANY.		SHOWING:					The cost to be stated with deductions for deterioration in value as charged to the reserve fund of profit and loss		
	5	The amount of loans on mortgages or debenture bonds							
	6	The amount of debts owing by the Company, distinguishing			IV. DEBTS OWING TO THE COMPANY.		SHOWING:		
		(*a*) Debts for which acceptances have been given ...				9	Debts considered good for which the Company hold bills or other securities		
		(*b*) Debts to tradesmen for supplies of stock in trade or other articles				10	Debts considered good for which the Company hold no security		
		(*c*) Debts for law expenses				11	Debts considered doubtful and bad, any debt due from a Director or other Officer of the Company to be separately stated		
		(*d*) Debts for interest on debentures or other loans							
		(*e*) Unclaimed dividends							
		(*f*) Debts not enumerated above							
VI. RESERVE FUND.		SHOWING:							
		The amount set aside from profits to meet contingencies							
					V. CASH AND INVESTMENTS.		SHOWING:		
VII. PROFIT AND LOSS.		SHOWING:				12	The nature of investment and rate of interest ...		
		The disposable balance for payment of dividends, &c....				13	The amount of cash, where lodged, and if bearing interest		
CONTINGENT LIABILITIES.		Claims against the Company not acknowledged as debts							
		Monies for which the Company is contingently liable...							

(*a*) See Clauses 81 and 82 of the foregoing Table A.

TABLE B.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company having a capital divided into shares.

	Rs.	A.	P.
For Registration of a Company whose nominal capital does not exceed Rs. 20,000, a fee of	40	0	0
For Registration of a Company whose nominal capital exceeds Rs. 20,000 the above fee of twenty rupees, with the following additional fees regulated according to the amount of nominal capital; (that is to say)—			
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 20,000 rupees up to 50,000 rupees	20	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 50,000 rupees up to 1,000,000 rupees	5	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 1,000,000 rupees	1	0	0
For Registration of any increase of capital made after the first Registration of the Company, the same fees per 10,000 rupees or part of 10,000 rupees as would have been payable if such increased capital had formed part of the original capital at the time of Registration.			
Provided that no Company shall be liable to pay in respect of nominal capital on Registration, or afterwards, any greater amount of fees than taking into account in the case of fees payable on an increase of capital after Registration the fees paid on Registration.			
For Registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of Registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the Memorandum of Association	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

TABLE C.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company not having a capital divided into shares.

	Rs.	A.	P.
For Registration of a Company whose number of Members, as stated in the Articles of Association, does not exceed 20	40	0	0
For Registration of a Company whose number of Members, as stated in the Articles of Association, exceeds 20, but does not exceed 100 ...	100	0	0
For Registration of a Company whose number of Members, as stated in the Articles of Association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 3 for every 50 Members or less number than 50 Members after the first 100.			
For Registration of a Company in which the number of Members is stated in the Articles of Association to be unlimited, a fee of ...	400	0	0
For Registration of any increase on the number of Members made after the registration of the Company in respect of every 50 Members, or less than 50 Members, of such increase.	5	0	0
Provided that no one Company shall be liable to pay on the whole a greater fee than Rs. 200 in respect of its number of Members, taking into account the fee paid on the first Registration of the Company.			
For Registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of Registration under this Act, the same fee as is charged for registering a new Company.			
For Registering any document hereby required or authorized to be registered, other than the Memorandum of Association	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

FORM D.

FORM OF STATEMENT REFERRED TO IN PART III OF THE ACT.

* The Capital of the Company is Rs. , divided into shares of each.

The number of shares issued is . Calls to the amount of Rs. per share have been made, under which the sum of Rs. has been received.

The liabilities of the Company on the first day of January (or July) were;—

Debts owing to sundry persons by the Company:

Under decree,
On specialty,
On Notes or Bills,
On Simple Contracts,
On estimated Liabilities.

The assets of the Company on that day were—

Government Securities [stating them].
Bills of Exchange and Promissory Notes,
Cash at the Bankers,
Other Securities,

* If the Company has no capital divided into shares, the portion of the statement relating to capital and shares must be omitted.

SECOND SCHEDULE.

FORM A.

Memorandum of Association of a Company limited by Shares.

1*st*.—The name of the Company is "the Company, limited."

2*nd*.—The registered Office of the Company will be situate in

3*rd*.—The objects for which the Company is established are, "and the doing all such other things as are incidental or conducive to the attainment of the above object."

4*th*.—The liability of the Members is limited.

5*th*.—The Capital of the Company is Rs. divided into shares of Rs. each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the number of shares in the capital of the Co mpany set opposite our respective names.

Names, addresses, and Descriptions of Subscribers.	Number of shares taken by each Subscriber.
1. A. B. of - -	
2. C. D. „ - -	
3. E. F. „ - -	
4. G. H. „ - -	
5. I. J. „ - -	
6. K. L. „ - -	
7. M. N. „ - -	
Total shares taken -	

Dated the day of

Witness to the above signatures.

O. P.

FORM B.

Memorandum and Articles of Association of a Company limited by guarantee, and not having a Capital divided into shares.

Memorandum of Association.

1*st*.—The name of the Company is "the Mutual Calcutta Marine Association, limited."

2*nd*.—The registered Office of the Company will be situate in Calcutta.

3*rd*.—The objects for which the Company is established are "the Mutual Insurance of ships belonging to members of the Company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4*th*.—Every Member of the Company undertakes to contribute to the assets of the Company in the event of the same being wound up during the time that he is a Member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a Member, and the costs, charges, and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 100.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, addresses, and descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of

Witness to the above signatures.

O. P.

Articles of Association to accompany preceding Memorandum of Association.

(1.) The Company, for the purpose of registration, is declared to consist of five hundred Members.

(2.) The Directors hereinafter mentioned may, whenever the business of the Association requires it, register an increase of Members.

Definition of Members.

(3.) Every person shall be deemed to have agreed to become a Member of the Company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4.) The first General Meeting shall be held at such time not being more than three months after the incorporation of the Company, and at such place as the Directors may determine.

(5.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year at such place as may be determined by the Directors.

(6.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(7.) The Directors may, whenever they think fit, and they shall, upon a requisition made in writing by any five or more Members, convene an Extraordinary General Meeting.

(8.) Any requisition made by the Members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(9.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene a General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five Members may themselves convene a meeting.

Proceedings at General Meetings.

(10.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the Members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any Member shall not invalidate the proceedings at any General Meeting.

(11.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of the consideration of the accounts, balance-sheets, and the ordinary report of the Directors.

(12.) No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of Members is present at the commencement of such business; and such quorum shall be ascertained as follows, that is to say, if the Members of the Company at the time of the meeting do not exceed ten in number the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional Members up to fifty, and one for every ten additional Members after fifty, with this limitation, that no quorum shall in any case exceed thirty.

(13.) If within one hour from the time appointed for the meeting, a quorum of Members is not present, the meeting, if convened upon the requisition of the Members, shall be dissolved: in any other case it shall stand adjourned to the same day in the following week at the same time and place; and if at such adjourned meeting a quorum of Members is not present, it shall be adjourned *sine die*.

(14.) The Chairman (if any) of the Directors shall preside as Chairman at every General Meeting of the Company.

(15.) If there is no such Chairman, or if at any meeting he is not present at the time of holding the same, the Members present shall choose some one of their number to be Chairman of such meeting.

(16.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(17.) At any General Meeting, unless a poll is demanded by at least five Members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against such Resolution.

(18.) If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the Chairman directs; and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting.

Votes of Members.

(19.) Every Member shall have one vote and no more.

(20.) If any Member is a lunatic or idiot, he may vote by his Committee, or other legal Curator: if any Member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(21.) No Member shall be entitled to vote at any meeting unless all monies due from him to the Company have been paid.

(22.) Votes may be given either personally or by proxies; a proxy shall be appointed in writing under the hand of the appointor, or if such appointor is a Corporation, under its common seal.

(23.) No person shall be appointed a proxy who is not a Member, and the instrument appointing him shall be deposited at the registered Office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

(24.) Any instrument appointing a proxy shall be in the following form:—

COMPANY LIMITED.

I of being a Member of the Company limited, hereby appoint of as my proxy, to vote for me and on my behalf at the [Ordinary *or* Extraordinary, *as the case may be*] General Meeting of the Company to be held on the day of , and at any adjournment thereof to be held on the day of next [*or* at any meeting of the Company that may be held in the year .]

As witness my hand, this day of Signed by the said in the presence of

Directors.

(25.) The number of the Directors and the names of the first Directors shall be determined by the subscribers of the Memorandum of Association.

(26.) Until Directors are appointed, the subscribers of the Memorandum of Association shall be deemed to be Directors.

Powers of Directors.

(27.) The business of the Company shall be managed by the Directors, who may exercise all such powers of the Company as are not hereby required to be exercised by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

Election of Directors.

(28.) The Directors shall be elected annually by the Company in General Meeting.

Business of Company.

(Here insert Rules as to mode in which Business of Insurance is to be conducted.)

ACCOUNTS.

(29.) The accounts of the Company shall be audited by a Committee of five Members, to be called the Audit Committee.

(30.) The first Audit Committee shall be nominated by the Directors out of the body of Members.

(31.) Subsequent Audit Committees shall be nominated by the Members at the Ordinary General Meeting in each year.

(32.) The Audit Committee shall be supplied with a copy of the balance-sheet, and it shall be their duty to examine the same with the accounts and vouchers relating thereto.

(33.) The Audit Committee shall have a list delivered to them of all books kept by the Company, and they shall at all reasonable times have access to the books and accounts of the Company. They may, at the expense of the Company, employ accountants or other persons to assist them in investigating such accounts, and they may in relation to such accounts examine the Directors or any other Officer of the Company.

(34.) The Audit Committee shall make a report to the Members upon the balance-sheet and accounts, and in every such report, they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations of the Company, and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs, and in case they have called for explanation or information from the Directors, whether such explanations or information have been given by the Directors, and whether they have been satisfactory; and such report shall be read together with the report of the Directors at the Ordinary Meeting.

Notices.

(35.) A notice may be served by the Company upon any Member either personally, or by sending it through the Post in a letter addressed to such Member at his registered place of abode.

(36.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed, and put into the Post Office.

Winding up.

(37.) The Company shall be wound up voluntarily whenever an Extraordinary resolution, as defined by the Indian Companies' Act, 1866 is passed, requiring the Company to be wound up voluntarily.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of ... ... Merchant.
2. C. D. of ... ... ,,
3. E. F. of ... ... ,,
4. G. H. of ... ... ,,
5. I. J. of ... ... ,,
6. K. L. of ... ... ,,
7. M. N. of ... ... ,,

Dated the day of 18 .

Witness to the above signatures.

O. P.

FORM C.

Memorandum and Articles of Association of a Company limited by guarantee, and having a capital divided into shares.

Memorandum of Association.

1*st*.—The name of the Company is "The Hotel Company, Limited."

2*nd*.—The registered Office of the Company will be situate in

3*rd*.—The objects for which the Company is established are "the facilitating travelling in by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4*th*.—Every Member of the Company undertakes to contribute to the assets of the Company in the event of the same being wound up during the time that he is a Member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a Member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 200.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B.
2. C. D.
3. E. F.
4. G. H.
5. I. J.
6. K. L.
7. M. N.

Dated the day of 18 .

Witness to the above signatures.

O. P.

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the Company shall consist of five lakhs of Rupees divided into five thousand shares of one hundred Rupees each.

2. The Directors may, with the sanction of the Company in General Meeting, reduce the amount of shares.

3. The Directors may, with the sanction of the Company in General Meeting, cancel any shares belonging to the Company.

4. All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses, and descriptions of subscribers.	Number of shares taken by each subscriber.
1. A. B.	
2. C. D.	
3. E. F.	
4. G. H.	
5. I. J.	
6. K. L.	
7. M. N.	
Total shares taken	

Dated the day of 186 .

Witness to the above signatures.

O. P.

Memorandum and Articles of Association of an unlimited Company having a capital divided into shares.

Memorandum of Association.

1*st*.—The name of the Company is "The Patent Company."

2*nd*.—The registered Office of the Company will be situated in

3*rd*.—The objects for which the Company is established are "the working of a patent method of of which method O. P. of is the sole patentee.

We, the several persons whose names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 186 .

Witness to the above signatures.

O. P.

Articles of Association to accompany the preceding Memorandum of Association.

Capital of the Company.

The Capital of the Company is twenty thousand Rupees divided into twenty shares of one thousand Rupees each.

Application of Table A.

All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses, and descriptions of subscribers.	Number of shares taken by subscribers.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. N. of	
Total shares taken	

Dated the day of 186 .

Witness to the above signatures.

Q. R.

FORM E. As required by the Second Part of the Act.

Summary of Capital and Shares of the Company made up to the day of
Nominal Capital Rs. divided into shares of Rs. each
Number of Shares taken up to the day of
There has been called up on each Share Rs.
Total amount of calls received Rs.
Total amount of calls unpaid Rs.

List of persons holding Shares in the Company on the day of and of persons who have held Shares thereon at any time during the year immediately preceding the said day of showing their names and addresses and an account of the Shares so held.

Folio in Register Ledger containing particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing Members on the day of	Additional Shares held by existing Members during preceding year.		Shares held by persons no longer Members.		
						Number.	Date of transfer.	Number.	Date of transfer.	

THIRD SCHEDULE.

Number and date of Act.	Title of Act.
No. XLIII of 1850	An Act for the Regulation of Joint Stock Companies.
No. XIX of 1857	An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations either with or without limited liability of the members thereof.
No. VII of 1860	An Act to enable Joint Stock Banking Companies to be formed on the principle of limited liability.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to form a complete code for the formation, regulation, and winding up of Companies of every description, including under the term 'Companies' any Association that chooses to avail itself of the provisions of the Bill. It is a transcript of the English Companies' Act, 1862 (Stat. 25 & 26 Vict., Cap. 89), with the alterations, omissions and additions necessary to adapt that measure to India.

The Bill adopts the system of legislation created in this country by Act XIX of 1857, of which the English Joint Stock Companies' Act, 1856, was the prototype, and introduces the system of winding up subject to the supervision of the Court, which was initiated in England by the Joint Stock Companies' Act of 1857 and expanded by the amending Act of 1858.

The Bill also withdraws the prohibition which prevents Insurance Companies from availing themselves of the provisions of Act XIX of 1857. Banking Companies were exempted from the like prohibition by Act VII of 1860, and the exemption is of course continued by the present Bill.

No Company can be registered under Act XIX of 1857 unless it possesses a joint stock capital divided into shares of a certain fixed amount. But this Bill comprehends Companies formed on the mutual principle, such as mutual loan Companies and all Associations deriving their funds from annual subscriptions or any other source than a share capital.

The Bill legalizes the formation of a new species of Company. In this, which is called "a Company limited by guarantee," the liability of the Members is limited to such amount as they may undertake by the Memorandum of Association to contribute to the assets of the Company in the event of its being wound up.

Act XIX of 1857 provides only for the winding up of Companies registered under it. The present Bill makes provisions for winding up all Companies, whether registered or not.

The minor changes in the law which the present Bill proposes to make may be briefly stated.

The liability of Members differs somewhat from that established by Act XIX of 1857, and is as follows. Every Member is liable, during the time of his membership and for a year after, in respect of engagements contracted before the time that he ceased to be a Member, but not in respect of subsequent engagements. In a Company limited by shares his liability ceases when he has paid up all calls on his shares. In a Company limited by guarantee, the extent of his liability is measured by the amount of the guarantee, with the addition, if the capital be divided into shares, of an obligation to pay up the calls on his shares. In the case of an unlimited Company the calls must be made equally on all the shareholders, and a Member cannot, as formerly, be singled out by the creditors.

All limited Companies (Section 43) must keep at their Office a register of mortgages open to inspection by any creditor or member.

Three-fourths in number and value of the Company may by special resolution alter its regulations, and the Bill contains provisions enabling a certain number of Members to obtain an examination of the affairs of the Company by an Inspector appointed by the Local Government, which here, as throughout the Bill, represents the Board of Trade of the English Statute.

The Bill contains provisions enabling Companies to refer matters in dispute to arbitration. These are taken from the Railway Companies' Arbitration Act, 1859. In the case of disputes between a Company and one of its shareholders, the provisions as to arbitration contained in the Code of Civil Procedure are incorporated by reference. And there are other provisions for forms of notices, application of penalties, conduct of legal proceedings and alterations in the forms in the Schedules, which cannot well be stated in a summary manner.

H. S. MAINE.

The 6th December 1865.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Department (Legislative).

HOME DEPARTMENT.

No. 5346.

Fort William, the 23rd December 1865.

NOTIFICATIONS.

Buldeo Bux is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22, Act XXV of 1861, to be exercised within the limits of Talooqua Akoree Hulalee, in the District of Lucknow.

No. 5421.

The 28th December 1865.

The Governor General in Council has been pleased to permit Mr. J. Pitt Kennedy, Recorder of Rangoon and Moulmein, at his own request, to resign his appointment, with effect from the 7th of January 1866.

No. 5422.

Appointment.—Mr. John Coryton, Barrister-at-Law, to be Recorder of Rangoon and Moulmein, with effect from the date of Mr. J. Pitt Kennedy's resignation.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 2438.

GENERAL.

Fort William, the 28th December 1865.

The following promotions of Extra Assistant Commissioners in British Burmah, consequent on the resignation of Mr. F. Motley, are sanctioned by the Governor General in Council :—

No.	Name.	From	To	Date of promotion.
		Rs.	Rs.	
1	Moung Na Gan ...	1st Class, 2nd Grade, on 350 ...	1st Class, 1st Grade, on 400 ...	17th Sept. 1865.
2	Phatoo Tway ...	2nd Class, 1st Grade, on 250 ...	1st Class, 2nd Grade, on 350 ...	Ditto.
3	Moung Shwé Dike Kay ..	2nd Class, 2nd Grade, on 200 ...	2nd Class, 1st Grade, on 250 ...	Ditto.
4	Moung Htoon ...	3rd Class, 1st Grade, on 150 ...	2nd Class, 2nd Grade, on 200 ...	Ditto.
5	Moung Tsantha ...	3rd Class, 2nd Grade, on 130 ...	3rd Class, 1st Grade, on 150 ...	Ditto.
6	Moung Shwé Boo ...	3rd Class, 3rd Grade, on 125 ...	3rd Class, 2nd Grade, on 130 ...	Ditto.
7	Moung O ...	3rd Class, 4th Grade, on 120 ...	3rd Class, 3rd Grade, on 125 ...	Ditto.
8	Natha Shwé ...	4th Class, on ... 100 ...	3rd Class, 4th Grade, on 120 ...	Ditto.
9	Moung Min Gyaw ...	... .	4th Class, 1st Grade, on 100 ...	16th Oct. 1865.

No. 2440.

Moung Tsa to be Extra Assistant Commissioner of the 4th Class, in British Burmah, in the room of Moung Shwé Tsee, dismissed.

No. 2442.

Mr. F. O. Mayne, C. B., Commissioner of the Fyzabad Division, in Oudh, has obtained three weeks' privilege leave of absence from the 19th instant, or from such subsequent date as he may avail himself of it.

Mr. P. Carnegy, Deputy Commissioner and Settlement Officer of Fyzabad, will officiate as Commissioner of the Fyzabad Division during Mr. Mayne's absence, retaining charge of his Settlement duties.

No. 2444.

Lieutenant F. Plummer, of the Revenue Survey Department, Hyderabad Assigned Districts, is granted further leave of absence for 20 days, to appear for examination at Bombay in January 1866.

No. 2446.

Captain W. H. Beynon to be Political Agent at Jeypore.

Lieutenant A. N. Bruce to be Political Agent at Harowtee.

Captain C. R. Blair is confirmed in his appointment as an Assistant, subject to passing the prescribed examination.

The above appointments will have effect from 14th instant.

No. 2450.

Mr. J. W. Tawney, C. S., to be an Assistant Commissioner of the 2nd Class, in the Central Provinces.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 3524.

Fort William, the 15th December 1865.

Read Extract Military Department, No. 844, dated 20th November 1865, forwarding for consideration a letter, with enclosures, from the Controller General of Military Expenditure, regarding a claim to passage money from Kurrachee to Bombay, preferred by Captain F. T. Ross, of the Staff Corps, a Deputy Collector in Scinde.

RESOLUTION.—The Governor General in Council is pleased to lay down the following rule in regard to the provision of free passage for public Officers in the Civil Department :—

All Officers in Civil employ, whether Civil or Military, Covenanted or Uncovenanted, will be

allowed a free passage when proceeding on duty by sea, on the conditions on which they would draw travelling allowance if proceeding on duty by land. Military Officers in Civil employ will, in addition, be allowed a free passage when, being employed at a station beyond sea, they may be obliged to return to their Presidency in progress to Europe or to a Hill Station on leave on medical certificate, and also when they rejoin their station on return from that leave.

The cost of both Cabin and Table accommodation will be borne by Government, who will recover from Officers on salaries exceeding Rs. 600 a month, Rs. 8 per diem (*i. e.*, the full rate of table money on Government sea-going vessels), and from those on salaries of Rs. 600 and less, Rs. 4 per diem on account of their table, for the number of days occupied in the passage on a Government or a private vessel.

Ordered, that the foregoing Resolution be published in the *Gazette of India*, and that copies of it be forwarded to the Military Department, with the original enclosures of the Extract from that Department above referred to, and to the—

Accountants General, Bengal, Madras, Bombay, North-Western Provinces, Punjab, and British Burmah.

Deputy Accountants General, Central Provinces and Hyderabad.

Auditor and Accountant, Mysore.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 23rd December 1865.

No. 1191 *of* 1865.—In accordance with the 10th paragraph of Government General Order No. 370 of the 1st June 1863, Officiating Sub-Conductor Norman Thorburn, of the Ordnance Commissariat Department, is promoted to the rank of Sub-Conductor, with effect from the 31st May 1865.

No. 1192 *of* 1865.—The following Regimental Order, issued to the Behar Mounted Volunteer Rifle Corps, is confirmed:—

Behar Mounted Volunteer Rifle Corps.

Dated the 13th November 1865.—Notifying the appointment of Lieutenant F. Collingridge, to officiate, temporarily, as Commandant of that Corps, vice Captain J. C. C. Daunt, v. c., resigned.

The 28th December 1865.

No. 1193 *of* 1865.—The under-mentioned Warrant Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Sub-Conductor Michael Carew, of the Army Commissariat Department. — For 20 months.

The 29th December 1865.

No. 1194 *of* 1865.—The under-mentioned Officer has reported his return from England:—

	Date of arrival at Fort William.
Captain J. Graham, of the Bengal Staff Corps, Deputy Assistant Commissary General	2nd Nov. 1865.

No. 1195 *of* 1865.—The following order, issued by the Resident at Hyderabad, is confirmed:—

No. 182, *dated the 9th December* 1865.—Granting Major H. Clerk, Commandant, 2nd Cavalry Hyderabad Contingent, leave of absence to visit Bombay, preparatory to proceeding to Europe on sick certificate.

No. 1196 *of* 1865.—The under-mentioned Officers have reported their departure on the dates specified below:—

Honorary Assistant Surgeon Thomas Briscoe, Head Assistant of the Indent Branch of the Medical Store Department, on leave for twenty months, Government General Order No. 1105 of the 29th November 1865.	"Roslin Castle," 26th December 1865.
Surgeon C. K. Webb, of the Medical Department, on furlough for three years, Government General Order No. 1117 of the 1st December 1865.	"Simla," 10th Decr. 1865.
2nd Captain E. W. Humphry, of the Royal Engineers, on leave for twenty months, Government General Order No. 1147 of the 12th December 1865.	
Lieutenant H. G. Becher, of the late 73rd Native Infantry, Quarter Master, 11th Regiment Native Infantry, on leave for fifteen months, Government General Order No. 1178 of the 21st December 1865.	"Delhi," 25th December 1865.

No. 1197 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army:—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
30th (Punjab) Regiment Native Infantry.	Jemadar Bolaka Sing ...	Subadar ...	15th Sep. 1865	Jowahir Sing, invalided.
	Havildar Allee Buksh ...	Jemadar ...	Ditto ...	Sheikh Gholab, invalided.
	Ditto Nutha Sing ...	Ditto ...	Ditto ...	Bolaka Sing, promoted.

No. 1198 *of* 1865.—The under-mentioned Officer having completed twenty years' service, six years of which were on permanent Staff employ, to be Major, from the date specified opposite to his name under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain G. Price ... 27th December 1865.

No. 1199 *of* 1865.—The following promotions are made, subject to Her Majesty's approval :—

Corps or Department.	Rank and Names.	To what rank promoted.	From what date.	In succession to.
Medical Department.	Asst. Surgeon Robert Moir, M. D. ..	Surgeon ...	1st August 1865	Deputy Inspector General of Hospitals G. Harper, retired.
	Asst. Surgeon Theodore Duka, M. D.	Surgeon ...	24th Nov. 1865	Principal Inspector General of Hospitals J. McClelland, Fel. U. C., retired.

H. K. BURNE, *Lieut. Col.*,
Depy. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

RAILWAY.

No. 2 R.

Fort William, the 26th December 1865.

NOTIFICATION.

The Governor General in Council, having decided to unite the State control of the affairs of the East Indian Railway Company in India under one Local Government and one Consulting Engineer, is pleased to abolish the appointment of the Consulting Engineer for Railways to Government, North-Western Provinces, from such date as the Government of Bengal may, in communication with the Government, North-Western Provinces, arrange for the transfer of the duties of that office to the Consulting Engineer for Railways in Bengal.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office :—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Allahabad Circle Notes for Rupees		44,980
Lahore	,, ,,	4,17,660
Nagpore	,, ,,	12,330

(Sd.) H. HYDE,
Head Commissioner.

23rd December 1865.

NOTICE.

Lost in Transit the Halves of the under-mentioned Currency Notes, viz. :—

Left Half No. $\frac{A}{7}$52597 } Dated Calcutta, 9th July
Ditto ditto 54799 } 1861, each for Rs. 10.

Ditto ditto $\frac{A}{17}$45522, dated Calcutta, 7th May 1862 (Nagpore Circle), for Rs. 10.

R. CLARKSON.

LOST.

In transit between Jubbulpore and Calcutta, on the 3rd October 1865, the 1st halves of the following Government Currency Notes of Central Provinces :—

Particulars.

1	Note No.	25558	Rs. 500		Brought over,	Rs.	2,600
1	,,	25559	,, 500	1	Note No. 43213	,,	50
1	,,	25561	,, 500	1	,, 43214	,,	50
1	,,	71301	,, 100	1	,, 43215	,,	50
1	,,	71302	,, 100	1	,, 60762	,,	20
1	,,	71328	,, 100	1	,, 63521	,,	20
1	,,	71341	,, 100	1	,, 70104	,,	20
1	,,	71434	,, 100	1	,, 70105	,,	20
1	,,	78857	,, 100	1	,, 70109	,,	20
1	,,	78858	,, 100	1	,, 74012	,,	20
1	,,	78859	,, 100	1	,, 74013	,,	20
1	,,	95205	,, 100	1	,, 45147	,,	10
1	,,	30580	,, 50	1	,, 45998	,,	10
1	,,	30845	,, 50	1	,, 46610	,,	10
1	,,	31101	,, 50	1	,, 49939	,,	10
1	,,	31662	,, 50	1	,, 60101	,,	10
	Carried over,		2,600		Total,		2,940

The Public as well as the Treasury Officers are warned against cashing any of the above Notes.

BUNSEELOLL ABEER CHUND,
Rae Bahadoor.

KAMPTEE,
2nd December 1865.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Application, with copies of testimonials as to character, and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

The Sarawuk, Jaenee, Hindustan Banking and Trading Company, "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, No. 186, OLD CHINA BAZAR.

DIRECTORS:

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.

LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.

LALLAH BARROOMULL, of Saharunpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hyderabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demnad, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At	3 months' notice,	3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver, and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the under-mentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

Just Published.

CLASSIFIED LIST
OF
PUBLIC WORKS OFFICERS,
CORRECTED UP TO
1st NOVEMBER 1865.

PRICE 2 RUPEES.

Apply to O. T. CUTTER,
Military Orphan Press.

FOR SALE.

Price Five Rupees.

VOLUME II.
OF
SELECTIONS
FROM
CALCUTTA GAZETTES
OF THE
Years 1789 to 1797.

SHOWING THE POLITICAL AND SOCIAL CONDITION OF THE ENGLISH IN INDIA

SEVENTY YEARS AGO.

BY

W. S. SETON-KARR, C. S.,

Judge of the High Court of Judicature and President of the Record Commission.

Copies of Volume I. are still available, Price Rs. 3. Apply to O. T. Cutter, Military Orphan Press.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 37.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, DECEMBER 30, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 67

The Council met at Government House on Friday, the 22nd December 1865.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

SUMMARY PROCEDURE ON BILLS OF EXCHANGE BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to provide a summary procedure on Bills of Exchange, and to amend in certain respects the Commercial Law of British India, said that this Bill, like others he had recently introduced, was an adaptation of English legislation to India. In the present measure, portions of no less than four English Statutes had been incorporated. The most important Sections were those numbered 2 to 8, which provided a summary procedure on Bills of Exchange. He might describe it shortly as a measure designed to carry out to the full the theory of negotiable instruments. The policy of the Law Merchant during many centuries, over the whole of Europe, had been to assimilate Bills of Exchange to money. Mr. Maine was not stating a comparison, but describing the actual object which he supposed the interpreters of that law had in view. They wished to make the transfer of a negotiable instrument as easy and effectual as the transfer of current coin. It was not till a few years ago that the last step was taken in adapting practice to theory. Up to that time, the holder of a Bill of Exchange which had been dishonoured had to bring an action in the ordinary form against the person liable to pay it. Now the experience of all persons connected with litigation on negotiable instruments shewed that the defences to such actions were in the enormous majority of cases artificial—that was, not necessarily frivolous or fraudulent, but invented by an afterthought. If the person liable to pay had had the money, he would have paid, but he had it not, and so dishonoured the Bill, and then had recourse to the dexterity of his legal adviser to enable him to gain time or perhaps to evade payment. These inconveniences were mitigated by the new summary English procedure. The plaintiff summoned the defendant before a Judge and said to him, in effect, 'If you will swear that you have a defence on the merits, let the action go on; but if you will not burden your conscience with a false oath, let me have a decree and be paid my money.' The measure had worked so well, that it had been extended to Ireland and the County Courts. Now, as regarded the proposal involved in the Bill, to imitate this procedure in India,

there seemed to Mr. Maine, as with most commercial reforms, to be even more reason for introducing it into India than for adopting it at home. Under the Code of Civil Procedure, even when a case was undefended, it was necessary for the plaintiff to make out so much of his own case as *primâ facie* entitled him to recover, and in defended cases, for technical reasons which he would not state, the burden of proof was heavier on the plaintiff than at home. Thus, a bill might have been drawn by one merchant in Calcutta upon a house in Bombay in favour of another merchant in Calcutta. It might have been indorsed over to some one in Bombay and dishonoured: the indorsee in Bombay would have his remedy against the indorser in Calcutta, who again might have to sue the drawer in this city. In such a suit, the plaintiff would have to prove dishonour in Bombay—no easy thing, considering the distance between the two places. But under Mr. Maine's new procedure, the defendant would be forced to swear to the nature of his real defence. The Judge would tie him down to the defences indicated in his affidavit, and the plaintiff would only be called upon to prove dishonour when the very case of the defendant was that no dishonour had taken place. As regarded the Sections following Section 8, they were open to two remarks; one was that, like the English Statute on which this portion of the Bill was founded, it was a hotchpot measure: the Sections were miscellaneous and had no natural connection with one another. The other remark which might be fairly made upon them was that, when the new Civil Code should have been prepared, it would certainly settle all the points adverted to, in the same manner in which they were settled by the Bill. But, remarkable as was the pace at which the Indian Law Commissioners were proceeding, considering their manifold occupations, no small space of time might pass before they were ready with a draft of law embracing the various matters contained in this Bill, and in the mean time it did not seem just that the Indian mercantile community should be deprived of the advantages enjoyed by the mercantile community at home.

Section 9 provided that the consideration for a guarantee need not appear in writing or by necessary inference from a written document. Owing to a peculiarity of language in the Statute of Frauds, a Statute which had some application—though only a limited application—in India, it was very early held that on a guarantee it was necessary not only to state the promise, but the consideration. Now in practice, people, unless legally advised, constantly omitted to state the consideration. The result was that there were a number of fine-drawn distinctions intended to take as many cases as possible practically out of the rule. At last the Legislature stept in and, in accordance with common sense, enacted that the consideration need not appear in writing.

Section 10 was to the effect that a guarantee to or for a firm should cease upon a change in the firm, unless the intention of the parties that the guarantee was to continue binding notwithstanding such change should appear either by express stipulation or necessary implication. This provision was intended to prevent an injustice formerly by no means of infrequent occurrence at home. In England and in English dependencies, the name of a firm, as was well known, meant nothing. It might continue, although every single member of the firm had been changed. But the old law of England was that a guarantee given to a firm continued in spite of changes, and thus a person who had intended to warrant the credit of particular individuals, might find himself answerable for the debts of persons whom he had never heard of. The new law now provided that, unless it were otherwise provided, the guarantee should cease when the firm changed.

Section 11 provided that the acceptance of a bill, whether inland or foreign, should be in writing. This had been the law in England, as regarded inland bills, ever since the reign of George III, and as regarded foreign bills, for the last six or seven years. Mr. Maine believed that European merchants in India invariably accepted their bills in writing. The practice, however, as regarded Hundís was not so uniform—possibly because Native bills were usually made payable so many days after date and not after sight, so that, strictly speaking, no acceptance at all was necessary. If the Hon'ble Rája Sáhib Dyál would sit on the Committee, he would be able to tell them how far the proposed law interfered with Native custom. No doubt the provision in the Section was abstractedly desirable, since no words were too strong for the fraud and confusion arising out of a system of constructive acceptance.

The purport of the 12th Section was that all bills drawn in British India should be deemed to be inland bills. The Section was so framed, because Mr. Maine believed that it stated the existing law. He was aware that a different impression had prevailed, and that it had been supposed that a bill drawn in another Presidency was, relatively to this Presidency, a foreign bill. No doubt the idea had grown out of the convenience attending the protest or notarial attestation of dishonour, which when properly obtained, was *primâ facie* evidence that the bill had been dishonoured. But Mr. Maine could not persuade himself of the correctness of this view, and he thought it somewhat dangerous for the mercantile community to get into the habit of treating bills drawn in another Presidency as foreign bills, since they might be led into errors in applying the Stamp law. Nevertheless, Mr. Maine was willing to entertain in Committee a proposal for making the protest of a bill in any part of India *primâ facie* evidence of dishonour in any other part. At the same time it should be understood that the plan would be an entire novelty, for a Notary Public was not a personage known to municipal law. His office existed under the comity of nations, and was designed to furnish evidence of transactions in one country which the Courts of another country would recognize. It should be further recollected that, under the new procedure, the issue of dishonour would only be tried when the defendant had expressly sworn that his case was that no dishonour had taken place. Under such circumstances it did not seem very hard that the plaintiff should be called on to prove dishonour by the ordinary evidence.

The later Sections of the Bill related to a somewhat technical matter. A bill of lading might be described as being, in India, and, till recently, in England, an imperfectly negotiable instrument. The indorsement of a bill of lading transferred the property in the goods, but at present did not

transfer the contract. Certain inconveniences arose from this defect which these Sections would remedy.

The Motion was put and agreed to.

GOVERNMENT PAPER CURRENCY ACT AMENDMENT BILL.

The Right Hon'ble MR. MASSEY, in moving for leave to introduce a Bill to amend Act No. XIX of 1861 (to provide for a Government Paper Currency), said that the Bill which he proposed to introduce was one of very limited application, and had reference solely to that Section of the Act No. XIX of 1861 which laid down the conditions on which Government Promissory Notes were issued. Section 9 of that Act made it obligatory on the Currency Department to issue Promissory Notes, *first*, in exchange for the current silver coin of the Government of India, or, *secondly*, in exchange for standard silver bullion or foreign silver coin; and it was with reference to the last obligation that he proposed now to introduce a modified enactment.

Before the passing of the Currency Act, it was usual for the Government of India to issue from time to time notifications of the period at which Mint Certificates would be cashed, and these periods were always calculated with reference to the time at which it would undertake to convert the bullion into coin. But when the Currency Act introduced the obligation of giving notes in exchange for bullion, it was thought unnecessary to maintain a distinction which was practically inoperative, and Mint Certificates were therefore in like manner cashed on demand. Under these circumstances Government was obviously placed in a difficulty in the event of large arrivals of bullion. He therefore proposed to place the exchange of Notes for bullion by the Currency Department on the same footing as the exchange of coin for bullion tendered to the Mint before the alteration of the former practice. The distinction between Notes issued on the deposit of coin, and Notes issued on the deposit of something which was not coin but afterwards converted into coin by a tedious process, was very manifest. The first was one peculiar to the function of issue; the last was a transaction which more properly belonged to Banking business; and the union of the two under the present law as administered by the Government of India, was a union of a novel character, and, as far as he was informed, was one which had no precedent in the practice of any other Government. It was obvious, also, that every rupee withdrawn from the currency for the purpose of cashing bullion, diminished to that extent the fund which belonged to the holders of Government Promissory Notes, and likewise diminished the certainty of the immediate convertibility of those Notes, which was the indispensable condition of a sound paper currency. In making that remark, he did not wish to be understood as saying that any serious risk was incurred by the Department of Issue in cashing bullion. No suspension of cash payments had ever occurred or was likely to occur. He did not wish to place the question higher than one of convenience and charge to the Government. But it was manifest that, where a large influx of bullion was expected, it was necessary for the Government to make special provision in the Currency Department against the contingency. Now, that could not be done without deranging the transactions of the Department, and imposing on the Government serious expense and great inconvenience. He might say that, in a recent instance, the necessity imposed by the enactment had cost the Government a sum of no less than 60,000 Rupees, and the expense which the Government was likely to incur in respect to the transaction referred to was not even limited to that amount. He maintained that it was neither reasonable nor just that the Government should be placed in that position. He thought it was not reasonable that the Government should be expected to undertake transactions with which it properly had no concern; and that it was unjust, for the benefit of a particular class of merchants, that a charge should be imposed on the public. He was quite sensible of the great benefit conferred on the mercantile community by importers of bullion, and he should be sorry to propose any legislation or make any remark calculated in the most remote degree to obstruct or discourage the traffic in that most useful commodity. He did not propose, therefore, altogether to withdraw from the importers of bullion the advantages which they at present enjoyed. He only desired to modify the obligation imposed on Government, and the object of the present Bill was simply to make it optional instead of obligatory to cash bullion.

The result would be this, that if, after making adequate provision for Currency Notes in circulation as the first duty of the Department, there should be in the opinion of the Government Officers a surplus of coin which would enable them to meet the demand, that surplus would be freely exchanged for bullion without charge. So that he hoped that the practical result of the proposed legislation would not cause any great departure from existing arrangements. In fact whenever money was available, it would be freely exchanged for bullion, but Government desired to be relieved from undertaking a duty which did not properly belong to it and was productive of much embarrassment.

This subject was not now broached for the first time. Before he had the honour of being connected with the Government of India, the matter had engaged the attention of those who were then concerned in the administration of financial affairs, and the present practice was thought so unreasonable that the propriety of limiting the obligations of Government to the exchange of Notes for coin was seriously discussed; but the advantage of encouraging the importation of bullion was felt to be so great that the proposed limitation was considered to be needlessly stringent. He perfectly concurred in that view of the case. The matter had been under the consideration of Her Majesty's Government, and it had been officially signified that the measure which he had now the honour to propose to the Council, would meet the concurrence of that Government. It was not necessary for him on this occasion to trouble the Council with any further observations. He had sufficiently explained the difficulty which required to be removed, and he hoped that the measure which he proposed was so moderate and reasonable that it would meet with the approval of the Council.

He might add that he proposed to pass the measure through its stages on this day fortnight

and as the matter was of some urgency, he hoped that the Council would not then object to passing the Bill summarily.

The Hon'ble MR. COWIE said, he quite approved of the fairness and reasonableness of such a measure as this, to prevent the inconvenience to which Government might very probably be exposed under the present state of things; but he would, at the same time, suggest for the consideration of the Executive Government, whether a considerable enlargement of the powers of the Mint should not be made in order to be equal to the very heavy and sometimes unexpected importations of bullion, which, with our greatly extending commerce, would every now and then take place.

The Motion was put and agreed to.

PLEADERS, MOOKHTARS AND REVENUE AGENTS' ACT AMENDMENT BILL.

The Hon'ble MR. MAINE introduced the Bill to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865. He said that he had explained a week ago, that the proposed Bill was concerned with a mere formality. The Act to be amended—or rather postponed—which was a very excellent one, provided a system of examining, admitting and enrolling Pleaders and Mookhtars under rules to be framed by the High Court. So far, however, as related to Pleaders and Mookhtars in actual practice, the conditions of admission were a mere form, inasmuch as they were entitled to be admitted without examination. Still these conditions had to be in accordance with a rule, and as this rule was not ready, the present Bill became necessary. It was not competent for a member of the Legislature to state authoritatively what its intention had been, but speaking as a critic, Mr. Maine thought that the intention appeared clearly on the face of the enactment. The Legislature had obviously supposed that, during the considerable interval which was to elapse between the signature of the Act by the Governor-General and its coming into operation, the High Court would draw up rules relating at all events to mere formal matters, such as the preparation of the roll and the mode of admission. These rules would become operative on the 1st January 1866, and then a very few days would suffice for admitting and enrolling the whole of the Pleaders and Mookhtars actually in practice. It might, indeed, be said that, by giving to the High Court six months for the preparation of the rules, the Legislature put it into the power of the High Court to postpone even formal steps for half a year. But of the numerous measures passed by the Council, which were dependent for their operation on rules to be made by the High Court, there was scarcely one which might not be defeated or stultified if the Court chose to use its power perversely. That Council, however, knew the High Court too well to believe that it would do anything of the kind, and felt perfectly sure that just as it carried out the intentions of the Legislature judicially, similarly it would give effect to their intentions in its administrative or quasi-administrative capacity. The simple truth was that the point, as was natural with a mere formality, did not attract attention till the beginning of December, when the Chief Justice, with his customary acuteness, perceived it and called attention to it. Then, however, it was too late to make rules, and hence this enactment became necessary.

Since it had been determined to amend Act No. XX of 1865, Mr. Maine's attention had been called to a particular of merely local and temporary importance in which a change might usefully be made. It had been very wisely determined by the framers of the Act, that in future, practitioners in Small Cause Courts, should belong to the same class as practised in District Courts. At present, however, junior Pleaders alone practised in the Bengal Small Cause Courts, and if they could only obtain the certificate mentioned in Clause (*c*) of Section 10, they would be debarred from such practice. Since, then, it was not intended to disturb existing interests, and since the class of persons who would take out the certificates mentioned in Clause (*b*) was not at present large enough to supply a Bar for the Small Cause Courts, Mr. Maine proposed to introduce a Section which would enable the High Court if it pleased to continue the existing junior Pleaders in their present position.

The Hon'ble MR. GREY suggested that the retention of junior Pleaders in their present privileges should be made obligatory on the High Court.

The Hon'ble MR. MAINE said, he preferred leaving it optional, as he understood that it was only in the pettier Small Cause Courts in Bengal that the difficulty arose.

The Hon'ble MR. MAINE then applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The President declared the Rules suspended.

The Hon'ble MR. MAINE then moved that the Bill be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. MAINE also moved that the Bill be passed.

The Motion was put and agreed to.

MADRAS IRRIGATION COMPANY'S BILL.

The Hon'ble MR. TAYLOR presented the Report of the Select Committee on the Bill to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation.

The Hon'ble Mr. Taylor also applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The President declared the Rules suspended.

The Hon'ble MR. TAYLOR then moved that the Report be taken into consideration. He said, that although the Bill had only been in the hands of the Members of Council for a very few days, it was so desirable to remove every impediment from the way of the Madras Irrigation Company that he hoped the Council would consent to pass the Bill at once.

The Motion was put and agreed to.

The Hon'ble MR. TAYLOR also moved that the Bill be passed.

The Motion was put and agreed to.

Indian Companies' Bill.

The Hon'ble Mr. Maine introduced the Bill for the incorporation, regulation and winding up of Trading Companies and other Associations, and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that the Bill, as its appearance shewed, was one of some magnitude, but the questions which arose upon it were almost exclusively questions of detail. If the Hon'ble Mr. Bullen and the Hon'ble Mr. Cowie would consent to sit on the Committee, those questions would be satisfactorily sifted, though he was afraid that the task would not be a light one. The only questions of principle which could possibly be raised were these: first, should the definition of Companies which might lawfully be formed with limited liability be large enough to include Insurance Companies? and secondly, should Companies be formed with a limitation of liability by guarantee? On those subjects he had nothing to add to the observations he had made when he obtained leave to introduce the Bill.

The Hon'ble the Maháráját of Vizianagram said he had great pleasure in supporting the Bill just introduced, inasmuch as in his view no greater benefit could be conferred by the Legislature on the Natives of this country than the formation of complete codes on various matters of importance and interest to the community. Such codes had been framed in regard to the civil and criminal administration of the country, to postal communication, and various other subjects of equal importance, and had proved of inestimable advantage to the Natives of this country. The law on each subject being placed before them separately and in a complete form, they had been relieved of the inconvenience and loss of time necessarily involved where references had to be made to a number of enactments on the same subject, which lay scattered over several volumes, and many portions of which might have been repealed. The Hon'ble Mr. Maine's Bill was calculated to confer a similar boon on a class of persons of whom the number he was glad to find was daily increasing; he referred to those who were engaged in commercial speculations of a very extensive character. Many individuals of this class, especially the Natives of this country, did not employ themselves in the study of general law, and it would therefore be a source of great convenience and relief to them, if all the law required for the conduct of their commercial transactions could be brought together so as to be comprised within the limits of a single but complete enactment.

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill for the incorporation, regulation and winding up of Trading Companies and other Associations—His Excellency the Commander-in-Chief, the Hon'ble Messrs. Grey, Bullen, Cowie, and the Mover.

The Council adjourned till the 5th January.

Whitley Stokes,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative,)

Calcutta,
The 22nd December, 1865.

HOME DEPARTMENT.

Geographical and Statistical Report of Fyzabad.

Geographical and Statistical Report of the District of Fyzabad in Oudh, by Lieut. F. Coddington, Assistant Revenue Surveyor, in charge, 3rd Division, Oudh Revenue Survey.

Geographical position. The Fyzabad District lies between the parallels of North Latitude 26° 10′ and 26° 50′, and East Longitude 81° 50′ and 83° 10′. The country is very flat, and for the most part well cultivated. The capital of the District is Fyzabad, and it is situated in North Latitude 26° 40′ and East Longitude 82° 20′; Ajoodhia, the old capital of Oudh, lies about 4 miles east of the Station and City of Fyzabad.

Area of District. The District contains an area of 2296·18 square miles, including eight out-lying villages situated in District Azimgurh; area 3141·32 acres.

Boundaries. The District is bounded on the north by the river Ghogra, which runs all along its northern face, and separates this District from the District of Gonda and Goruckpoor; on the east by the Districts of Jounpoor and Azimgurh; on the south by the river Goomtee and portion of District Sooltanpoor; and on the west by the District Duriabad. Thus, on the north and south sides, the Ghogra and Goomtee rivers form the natural boundary with the exception of about six miles on the south, where the District of Sooltanpoor runs up north of the river Goomtee.

Area surveyed. In addition to the area of 2296·18 square miles as given above for the area of the District, the river Ghogra has also been surveyed, where it runs contiguous to the District; the northern bank having been taken up, as also all village sites, &c., within one mile of the river, the river area of this portion of the Ghogra contains 113·05 square miles, so that the total area surveyed is 2409·23 square miles.

Number and size of villages. The District contains 3,601 villages, the area of each village, therefore, being 408·09 acres, or a little more than $\frac{4}{5}$ths of a square mile.

Geographical Features.

Rivers. The District is everywhere well watered by rivers, streams, jheels, and tanks; the principal of the rivers are the following:—

The Ghogra, this river at all times a very large one, expands to a great breadth during the rains, expanding to a breadth of from 3 to 4 miles in some places. It is navigable for large boats at all times, and during the rains, steamers often come up the whole distance from Allahabad. It is crossed by a bridge of boats at Fyzabad, and by ferries at other points.

The Goomtee is a circuitous river and navigable all the year round; the ground along the northern bank of the Goomtee is much cut up into dry nullahs, and broken ground. The next streams in importance are the Murha and Biswi Nuddees, which, often joining one another, form the Tonse; these are unnavigable. There are other small streams of less magnitude and importance not worthy of separate notice.

Tanks. Tanks abound all over the District; for the most part they are dug out, during the rains, so as to retain the water, which is afterwards used to irrigate the lands; more resort is made to these than to wells; of the latter, there are not a very great abundance.

Marshes. Marshes are also very abundant in the District, some of which are of very large extent; during the dry season, the greater number of them dry up, but during the cold season remain full of water, and wild fowl of all kinds are very plentiful on them.

Roads. The District is not very abundant in its roads, the principal road is the High Road from Lucknow to Fyzabad, which enters the District at the north-western corner, and runs in a direction nearly due east to Fyzabad and Ajoodhia. Another high road runs through the District, that from Fyzabad to Allahabad it runs in a direction nearly due south from Fyzabad; both these roads are metalled and well bridged and kept in good repair and available for wheel traffic of all kinds all the year round. These are the only two metalled roads, and Dâk Carriages run on both of them; the other District roads are all unmetalled and but very partially bridged, and not good for wheel traffic at any time, and almost impassable during the rains; the chief of these are from Fyzabad to Roy Bareilly, from Fyzabad to Jounpore viâ Ukburpore, and from Fyzabad to Azimgurh viâ Tanduh; these roads are in fine weather available for wheel traffic.

Jungle. The whole District is interspersed with occasional patches of low forest dak jungle, not of very large extent, but in some cases very thick and sufficiently large to harbour neil gai, deer, peacock, and wild pig; these patches of jungle are cut down occasionally by the inhabitants and used for fire-wood, but allowed to grow up again.

Sub-Divisions. The District is divided into 13 pergunnahs. The limits of these pergunnahs are well defined, and the pergunnahs, since the recent alterations have been made, are all compact; there are, however, 8 outlying villages as above mentioned, belonging to this District, situated in District Azimgurh, and one small tract of District Azimgurh and one of Jounpoor situated within the limits of this District, all of which will be seen by reference to the accompanying Index Map of the District. It is in contemplation to transfer some portion of the south-east portion of this District to the North-Western Province jurisdiction; but up to the present time, nothing has been definitely settled or decide about their transfer.

Climate. The climate is considered good; in the cold season it is very pleasant, but in April it begins to get very hot, and continues so until the rains, but on the whole it is considered a healthy climate although very hot during the hot season. In the last few years, Cholera and Small-pox has troubled the District and carried off many persons, but this is exceptionable.

Trees. The whole country abounds in Mangoe topes which grow most profusely, and when the fruit is in season, it forms the chief food of all the poorer classes; Tamarind trees also, particularly in the neighbourhood of Fyzabad, are in great abundance and of immense size; the bamboo grows also over the whole District in great abundance; the great number of trees renders the country pleasing and pretty to look at. The following trees are also found in the District. The Peepul, the Neem, the Jamun, the Goolar, the Tron, the Burgat, the Semul, the Mahooa, and the Kuthul.

The tenure of land. The tenure of land is very similar to that of the surrounding Districts of Azimgurh and Goruckpoor; about half the District is under the talookdaree system, and the other half is in independent mehals; the putteedary system of tenure and other complex forms of it are also commonly met with throughout the District.

Cantonment of Fyzabad. The military station of Fyzabad is prettily and pleasantly situated on the right bank of the river Ghogra. It is well chosen, being dry and open, and on this account a very healthy cantonment for troops. It is a new military station having been built and formed since the Mutiny in 1857. Cholera, however, appeared amongst the Regiment of European Infantry this last hot weather, and caused many deaths amongst the soldiers. But I believe this sickness must have been caused by exposure, and insufficient care over ordinary conservancy arrangements; as in the Artillery Lines close to those of the Infantry hardly a case occurred. The Artillery had been some time in the country, whereas the European Regiment only arrived in the last cold weather. The station roads are both numerous and good and all well bridged; the Barracks are built in echelon and are good and roomy; the station during the cold weather and rains is green and fresh looking, having lots of grass growing about it. At the southern side of the cantonment station there is a magnificent avenue of fine Tamarind trees, which forms a beautiful driving place; the road form Lucknow runs close along by this beautiful avenue, but to one side of it; the residents of the station have had a pucka road made in the centre of the avenue for use when driving. In these Tamarind trees numerous monkeys live, and are always to be seen playing along the road. At the north-west corner of the cantonment is situated the public gardens, which are very prettily chosen and are tastily laid out and well kept; there is in these gardens a magnificent grove of Tamarind trees; and the gardens are a great addition and pleasure to the residents, and a favorite place of resort for an evening drive.

There is also the remains of a tolerably large Fort on the north side close to the river Ghogra,

but it is now in ruins; this Fort was called by the Natives, Fort Calcutta. The Commissariat Bakery is now inside it, and also the Executive Engineer's Godown, and an old Magazine. The Fort had apparently a very high parapet and a deep ditch, and is in a strong position; its ditch was filled by water from the Ghogra which is close at hand on its northern face, from which it could be filled at any time; a bridge of boats, which is kept in good order, crosses the Ghogra opposite the cantonment, over which the road leads to Gonda, and is the only cart road open across the Ghogra from this District; in the centre of the river, the road crosses over an island of sand, which renders the crossing of carts very laborious and tedious. A new road is in course of construction, and it is intended to metal it, which will much improve the communication. The Cantonment is bounded on the north by the Ghogra; on the west by Cumberland Creek, formed by a back water from the Ghogra; on the south and south-west and east sides by 22 masonry pillars. The Cantonment is very compact. The Officers' Bungalows are small, and the compounds very confined, and the houses for the most part very small and bad. There is usually stationed there a European Infantry Regiment, a Battery of Royal Artillery, a Native Infantry Regiment, and a Squadron of Native Cavalry, for which troops there is just sufficient room. The Cantonment contains 1,837½ acres.

Civil Lines.

The Civil Station of Fyzabad is situated on the south side of the Lucknow Road, opposite to the Cantonment; it is of small extent, and not so advantageously chosen as the Cantonment, it is on a lower level and not so open. It is therefore after and during heavy rains often very much flooded, and large sheets of water remain for days, as there is no natural drainage to carry it away, and no artificial drainage has been attempted. The public buildings belonging to Government in the Civil Lines are the Dâk Bungalow for travellers, the Opium Godowns; the Kutcherry and Treasury combined a fine and nice-looking building, and a very large Jail completed about August 1864 with very good gardens attached, in which the prisoners work, and from which the supply of vegetables is very good, and a fine dolly can be daily obtained on the payment of Rs. 2 a month. The Jail is a very large one and a fine building. I am of opinion, however, that such a large Jail, where there are always a very large number of prisoners, should not have been built so close to the Civil and Military Stations and City; the disagreeable effects of this are often to be observed, and the greatest care of sanitary arrangements will be always necessary to prevent the engendering of disease, should such at any time break out in the Jail. The daily average of prisoners is 891. No prisoners are kept whose term of sentence is over three years in the Jail; the prisoners prepare the following manufactures—pottery, paper, cloths, horse clothing, printing, both lithograph and type.

The City of Fyzabad.

There is not much of importance to write about regarding the City of Fyzabad; it is a long narrow city, and is divided into four parts by two metalled roads which cross one another at right angles, in what is called the Chouk; some portions of the city are of very ancient origin, but the greater portion was tolerably recently constructed; since the mutiny, the city has been much improved; a very fine bazar has been built along both sides of the Lucknow Road, forming a very wide and fine open street and called Rekabgunj. There is a very fine elegant and English looking building on the right as you enter the city by Rekabgunj; this is the Dispensary built entirely at the expense of a rich Baboo recently created a Rajah; this Dispensary is found of great use and of great benefit to the town and district. It is under the charge of the Civil Surgeon; there are rooms and comfortable accommodation of all kinds for the wants of the sick. The tomb of Suraj-o-Dowlah, commonly known by the name of the Goolabharee, is a striking building; the upper portion of it is now inhabited by the Civil Surgeon, and the lower portion, except the centre where the tomb is, is also sometimes inhabited, the rooms being obtainable for rent; the gardens surrounding the tomb, as also the rows of fountains, have been allowed to fall into disrepair, and are not kept up now at all.

Begum's Tomb.

The Begum's Mausoleum, a Queen's Tomb, is a remarkably fine and handsome building and of great height; the proportions are very good, and the whole looks light notwithstanding its great size. It is a very conspicuous object, and could be seen for many miles in any direction, where the large trees do not intervene, of which there are a great number in the surrounding country, but where there is a tolerably clear space, it is visible for a long distance.

Ajoodhia or Oudh.

Ajoodhia or Ajuda or Oudh, the old capital of Oudh, is situated on the right bank of the Ghogra, about four miles from the station of Fyzabad; a good metalled road exists from one to the other. This once most famous and celebrated city was the capital of Oudh previous to 1775, when the seat of Government of the Province was transferred to Lucknow by Asoph-o-Dowlah. Ajoodhia is said, and, I believe, without doubt, is one of the most ancient cities of the whole of Hindustan. It is said to have been founded by a people called Arya on the right bank of the river Saraiju, Surjoo, Dehwah, or the more commonly called Ghogra. It is affirmed to have been of immense extent, viz., 148 coss in length, and 36 coss in breadth. But it now covers only about three square miles, but said originally to have extended as far as Lucknow. Ikshoaku was the first king of Ajoodhia, from him was descended a long line of Ajoodhia Kings; they traced their origin to the sun, from which they took the name of Soorooj-bunsee. Mr. Cust, in his life of Rama, traces king Dusurath the 35th in descent from the first King of this race to be a contemporary of the patriarch Abraham, who lived before Christ 2250 years. Rama, son of Dusurath, one of the ancient kings of Oudh, was born in Ajoodhia; his birth place is still marked and called Janam-asthan, and considered a very holy place. He is now much worshipped and his memory held in great esteem as a god. He was a great leader and hero, but was banished at one time from his kingdom, and had to live in religious retirement in the forests of Central India. He was, however, afterwards re-instated on the throne of his fathers. But from remorse, he finally threw himself into the Surjoo or Ghogra at Gooptur Ghât, and as the natives say re-united to the Divinity, since which time he has been worshipped

as a god. The greater portion of the present city of Ajoodhia is built on the slight eminences, most of the houses are built of mud and thatch, but the temples and tombs of which there are immense numbers are of masonry; the general appearance of the city is pleasing, with its numerous mosques, domes, minarets, and turrets; about a mile from the river close to the high road from Fyzabad stands the Hunooman Gurhee, built in honor of the fabled monkey Hunooman. A very small portion of this ancient fort, which used to be of large extent, now exists. It is, however, considered one of the most holy and sacred places in Ajoodhia, and is largely resorted to by the natives. The Hunooman Gurhee was built by Sew Gurreeb. On the northern face of the city along the river is a long line of masonry bathing ghâts, and several worshipping places which are on certain occasions very largely resorted to by the natives, who come very long distances to Ajoodhia for the purpose of bathing and worship, as the city is still very celebrated in their estimation. Tthe other principal places are Ramadheen's Temple, the Kutari Rajah's Temple, and Rajah Maun Sing's Temple. Ajoodhia was at one time one of the principal places of the Boodhists, who have left behind them baghs and temples which mark their having resided here.

Sects and population.

The principal castes and sects in the District are in numbers approximately Mahomedans or Mussulmans about 15 per cent., Hindoos 40 per cent., Brahmins 23 per cent., Rajpoots 22 per cent. of the whole population; the estimated population of the District is about 1,038,200 souls. The majority of the Hindoos are agriculturists, a small minority live by service; as a rule, Mahomedans follow trades, but few of them do service, and a good many cultivate the land.

Manufactures.

The principal manufactures are brass work, for which Ajoodhia is celebrated; Tanduh had very large and extensive cloth manufactures, and was almost entirely inhabited by weavers. But the cotton famine has seriously affected this branch of manufacture; there were several thousand looms at work in the District, a coarse description of glass is also manufactured in the District at Ukberpoor, the soda deposit found in the Gosur plains is used in its manufacture, the glass is formed into bangles, &c. At Fyzabad gold and silver lace is made also, Hookahs, pottery, and brass and iron vessels, &c. There are 3 or 4 small native Indigo factories established during our rule; sugar and saltpetre and oil are made to a limited extent.

Revenue.

The following are the sources of Revenue—The land Revenue, Stamps, Excise and Drugs. The Revenue obtained for 1864-65 was as follows:—

Land Revenue	...	11,68,495
Stamps ...	...	41,230
Excise (Abkaree)	...	1,02,497
Drugs ...	...	11,100
Total Rupees	...	13,23,322

Mode of collection.

The Land Revenue is collected through the Tehseeldars of which there are four; the District being divided into 4 Tehseeldars, viz:—

1. Dostpoor.
2. Ukberpoor.
3. Fyzabad.
4. Bhurteepoor.

The payment is required to be made in four instalments during the year. The amount paid at the different seasons vary in the different Tehseels, in some the Rubbee are 9 annas and the Khureef 7 annas, in others they are equal. The Drug Revenue is also formed out and paid in four equal instalments. The Stamps are paid for as sold, either by licensed leaders or at the Treasuries. The Sudder Distillery system is the one used, and all Spirit made there pays a still head duty as follows, viz., 12 annas per Imperial Gallon, 25 per cent. below proof, and Rs. 1-8 per Imperial Gallon above that degree of strength.

Mode and rate of assessment.

The actual rental is as accurately ascertained on the spot as possible, sec and rent-free lands are estimated according to their capabilities, and an estimate is also formed of the culturable waste; as far as the assessments have as yet proceeded the rates are thus:—

On Cultivation	...	2 1 2	per acre.
On Culturable	...	1 9 6	ditto.
On Total	...	1 6 0	ditto.

Government takes 51¼ per cent.

Products and prices.

The following Table furnished by the Deputy Commissioner shows the principal products with the prices:—

Name of Season.	Name of Article.	Average produce per acre.			Rate per Rupee.			Value.		
		Mds.	Srs.	Chs.	Mds.	Srs.	Chs.	Rs.	As.	P.
Rubbee.	Wheat ...	6	22	0	0	25	8	10	9	7
	Barley ...	6	29	0	0	38	0	7	0	0
	Pea ...	6	22	0	1	2	0	6	4	0
	Linseed ...	1	14	0	0	18	0	3	1	7
	Gram ...	6	11	0	0	33	0	7	9	7
	Mussoor ...	1	34	0	0	26	0	2	12	9
	Urhur ...	3	19	0	0	32	0	4	3	2
	Ram Sugar ...	10	20	0	0	17	0	27	3	2
Khureef.	Dhan ...	8	13	0	1	3	8	7	11	2
	Jurhan ...	9	38	0	1	3	0	9	4	9
	Oord ...	4	27	0	0	25	0	8	3	2
	Moth ...	5	11	0	0	31	0	6	4	10
	Total ...	71	20	0	0	0	0	100	3	9
	Average ...	5	38	5	0	0	0	8	5	7

In addition to those herein mentioned, Sugarcane and Opium is largely grown in the District.

Condition of Inhabitants.

On the whole, the condition of the Inhabitants may be considered as rather above the average of most Districts; they are tolerably well-to-do, and lots of employment to be had for those willing to work. It is difficult to obtain coolies in the District, as they are all engaged in cultivating and other agricultural pursuits.

Education.

Before our rule in Oudh, there were no schools whatever, and only the better classes studied privately. There are now under Government two first class schools in the city, and three in the District at which 573 boys are being educated. There is also a celebrated Sanskrit establishment in connection with the Hunooman Ghurree, second only to the School of Benares.

Litigation and crime.

The people are exceedingly litigious and seek the Courts in the smallest provocation, and the records of crime are steadily increasing; girl-stealing is a most common occurrence, and indeed a trade is made of it. The Village Chowkeedars are bad and not worth much; the arrangements for the proper performance of this duty are bad, thefts of all kinds are of most common occurrence, criminal complaints are received in plain paper which much tend to increase litigation.

Police.

The following Regular and Municipal Police are kept up in the District—

Regular Police.

Foot	...	...	650
Mounted	...	...	25

Municipal Police.

For Town and Cantonment	...		232

A District Superintendent is over the District, with Assistants and Inspectors. The Head Thannah and Head Quarters are in Fyzabad.

Imports and Exports.

The following Table furnished by the Settlement Officer shows the chief items of Imports and Exports with the estimated value of each. It will be seen that the Imports in amount very largely exceed the Exports.

IMPORTED.			EXPORTED.		
Name of Articles.	From	Estimated Value.	Name of Articles.	To	Estimated Value.
Cotton and Cloth, &c.	Cawnpoor, Mirzapoor, Shahgunge, &c. ...	12,07,000	Grain ...	Jounpoor, Calcutta, &c. ...	8,13,000
pices ...	Jaunpoor, &c. ...	5,42,000	Hides ...	Calcutta ...	66,000
Brass and Iron-pots, &c.	Mirzapoor, &c. ...	20,000	Cloth ...	Goruckpoor, Nipal, &c. ...	3,46,000
Grain ...	Goruckpoor, &c.	3,84,000	Goor, &c. ...	Allahabad, Goureegunge ...	1,83,000
Different kind of Goods.	From different places ...	3,90,000	Different kind of Goods ...	To different places	38,000
	Total, Rs. ...	25,43,000		Total, Rs. ...	14,46,000

Weights and measures.

There were many different seers and weights in use in the King of Oudh's time, but the Government seer is now universally adopted. The cloths in the King's time, the Suttee guz or yard of 41¼ inches was in use by cloth merchants. The Ellahie guz of 33 inches was used by Surveyors for land measurements and often by Durzies. This latter is still in use, but cloth merchants have now adopted our English standard yard measure of 36 inches.

Names, area, &c., of the 13 Pergunnahs.

The following are the names of the different Pergunnahs of the District with their capitals, &c., thirteen in number:—

1. *Uldeemow.*—This Pergunnah contains 561 villages, area 2,24,577·74 acres, or 350·90 square miles; its capital is Dostpoor, which contains about 2,900 inhabitants. This Pergunnah lies to the south-east of the District, and is considered the most productive, as also the largest Pergunnah in the District; the Pergunnah took its name from a city of the same name, but which is now in ruins. The next place of importance in this Pergunnah is Dera, rendered interesting from its associations, mythical as well as historical. Many persons at different periods flock from places 2 or 3 days' distance for bathing, as the place is much esteemed for absolution purposes. In the village of Ilahgurh, 4 miles from Dera, there is a bathing ghât called Dopap on the Goomtee river, rendered famous by Ram Chunder having bathed there to obtain absolution for having killed Rawan, the offspring of a Brahmin. Dostpoor, the Kusbah town, is also the head-quarters of tehseel Dostpoor, in which the three Pergunnahs of Uldeemow, Mujhowra, and Soorhoorpoor are situated. This Pergunnah was the first in which the settlement operations were commenced; the following note

Revenue Survey and of t
of some interest.

in acres.

ltivation.	Culturable.	Barren wa
124589·63	57721·96	42266
111998	39228	73110

vey ... 224577·74 acres.
... ... 224336·00 acres.

owra.—This is the small
ergunnah in the District
ontains 164 villages; it
o the north of Pergun
town is Mujhowra, conta
tants; the khusrah meas
h are also completed, and

in acres.

tion.	Culturable.	Barren waste.	Tot
5·36	13065·55	5011·90	474
30	9906	10114	470

square miles.

rhoorpoor.—This Pergu
lies to the extreme south
of the District; its ca
is Soorhoorpoor, contai
nts, the town of Nagpoo
more inhabitants, but
ah town. It contains
square miles.

Area in acres.

ion.	Culturable.	Waste.	T
67	29674·81	12233·73	95
0	14148·0	31873·0	94

irhur.—This Pergunnah
tuated the extreme
east por of the Dis
ltanpoor, B ree is also
npoor contains 1,233 i
nnah contains 397 vil
miles. This Pergunnah,
Pergunnahs of Ukberpo
, belonging to Tehseel
e Tehseel is sitnated at
h Ukberpoor. The fol
cultivation, &c., by bo

il Area in acres.

ation.	Culturable.	Waste.	
4·60	33146·15	21610·78	1
0	30860	29157	1

This Pergunnah is situ
the north of Uldeem
west of Birhur; it
365 villages; area
capital is U
containing ab

il Area in Acr

ivation.	Culturable.
166·56	41007·95
05	30992

Tandah Iltifatg
gunnah unt
two years
small Pergu
ther Iltifatgung